

# Planning Committee

23 July 2015

**Reference:**  
**OUT/15/00484**

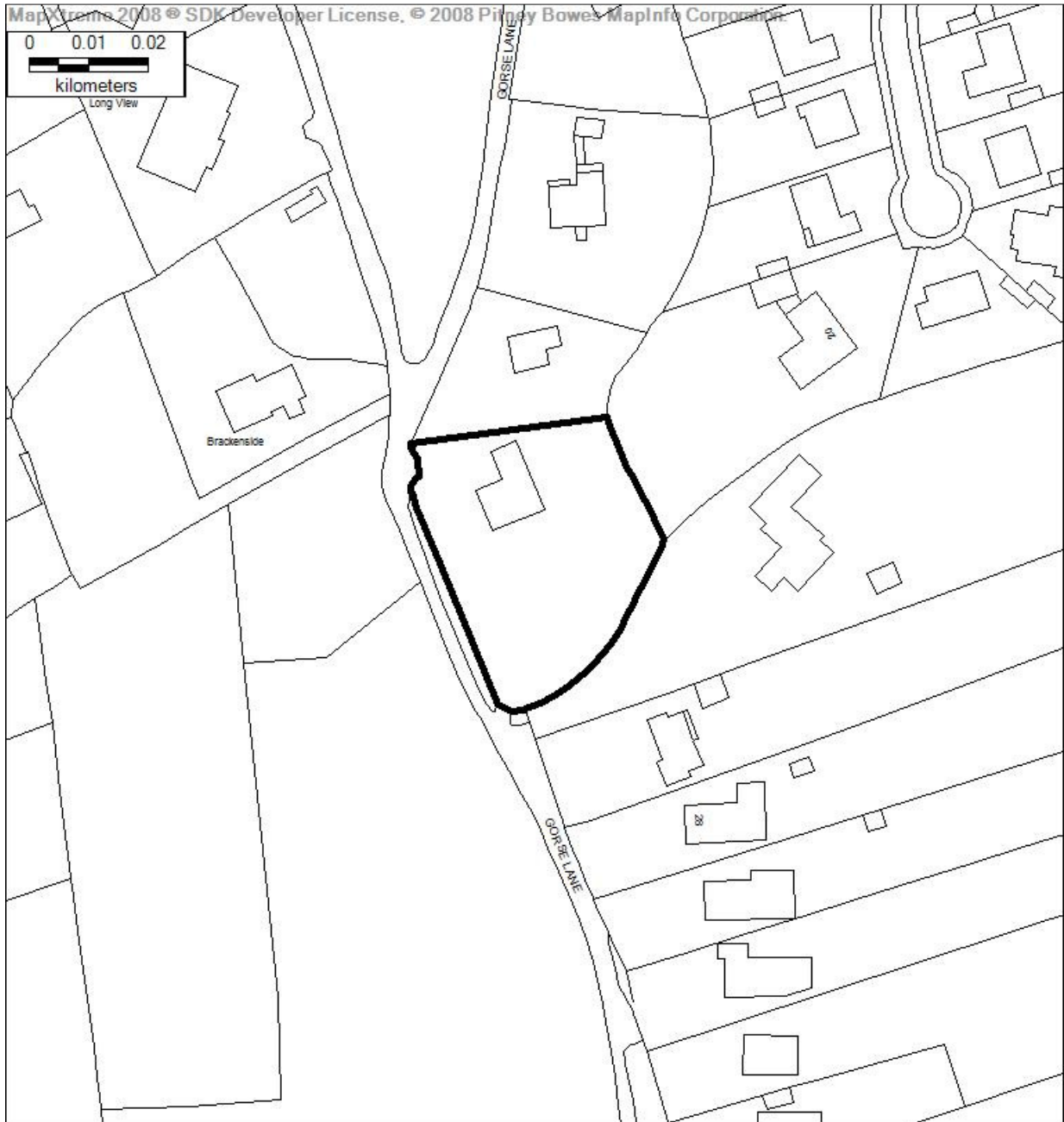
**Area Team:**  
**North Team**

**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** Springfield, 34 GORSE LANE, NEWTON, CH48 8BH  
**Proposal:** One new Dwelling & detached Garage  
**Applicant:** Mr & Mrs Lavin  
**Agent :** KJP Architecture

## Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: Springfield, 34 GORSE LANE, NEWTON, CH48 8BH  
Application Type: Full Planning Permission  
Proposal: Extend existing carport to double garage roof extension to be clad in red cedar. Shingles building to be clad with over lapping tanalised natural larch or similar. Garage doors to be fitted  
Application No: APP/10/00601  
Decision Date: 26/07/2010  
Decision Type: Approve

Location: Springfield, 34 Gorse Lane, Newton, Wirral, CH48 8BH  
Application Type: Full Planning Permission  
Proposal: Erection of garage to rear  
Application No: APP/05/06084  
Decision Date: 14/07/2005  
Decision Type: Approve

Location: 34 Gorse Lane, Newton, Wirral, CH48 8BH  
Application Type: Full Planning Permission  
Proposal: Erection of a car port to side  
Application No: APP/04/05769  
Decision Date: 19/05/2004  
Decision Type: Approve

Location: 34, Gorse Lane, Newton. L48 8BH  
Application Type: Full Planning Permission  
Proposal: Erection of a first floor side extension.  
Application No: APP/93/06855  
Decision Date: 12/01/1994  
Decision Type: Approve

Location: 34, Gorse Lane, Newton. L48 8BH  
Application Type: Full Planning Permission  
Proposal: Dormer window extension.  
Application No: APP/86/06208  
Decision Date: 29/08/1986  
Decision Type: Approve

Location: South of Springfield ,34 Gorse Lane ,Newton ,L48 8BH  
Application Type: Full Planning Permission  
Proposal: Erection of detached bungalow  
Application No: APP/84/26016  
Decision Date: 18/12/1984  
Decision Type: Refuse

**Appeal Details**

Application No	APP/84/26016
Appeal Decision	Dismissed
Appeal Decision Date	30/06/1985

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

Having regard to the Council's Guidance on Publicity for Applications, 14 notifications were sent to adjoining properties. A Site Notice was also displayed. Having regard to the Council's Guidance on Publicity for Applications, notifications were sent to adjoining properties. A Site Notice was also displayed. At the time of writing this report 12 representations have been received and a petition signed

by 30 signatures has also been received. The objections can be summarised as follows:

1. the impact of a new dwelling on the character of the area
2. the associated traffic on the unmade road/bridleway and impact upon users
3. impact upon neighbouring properties
4. scale and massing.
5. covenants
6. previous appeal decision on the site.
7. highway and pedestrian safety
8. compliance with policy HS10
9. overdevelopment
10. the development if approved could set a precedent.
11. impact upon drainage/sewers
12. impact on trees

#### **CONSULTATIONS:**

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

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

**Merseyside Fire and Rescue - No objections**

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

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

Councillor Geoffrey Watt has taken the application out of delegation on the grounds that local residents have concern regarding additional traffic contrary to a determination by the Planning Inspectorate. A qualifying petition of objection signed by 30 signatures has also been received in objection to the scheme.

#### **INTRODUCTION**

The proposed development is an outline application with all matters reserved for the erection of a new dwelling at the side of 34 Gorse Lane

#### **PRINCIPLE OF DEVELOPMENT**

The site is located within a primarily residential area and as such the principle of the development is acceptable subject to the criteria set out in Policy HS4 of the adopted Wirral Unitary Development Plan.

#### **SITE AND SURROUNDINGS**

Gorse Lane is an unmade, unadopted road located between Column Road and Grammar School Lane. There are a mix detached properties and bungalows on the lane varying in age and design, all of which are set within their own grounds with off street parking. The properties to the south of 34 Gorse Lane are more densely sited than those to the north.

34 Gorse Lane is a two storey dwelling that has been modified over the years, with a large garden. Newton Common lies to the west of the site which is designated as a site of Biological importance.

#### **POLICY CONTEXT**

Policies HS4, GR5, NC01 and NC7 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework (NPPF) are directly relevant in this instance.

Policy HS4 states that proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal being 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, the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5 and the provision of adequate individual private or communal garden space to each dwelling. In addition adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of

another, then an adequate separation should be achieved.

Policies NC01 and NC7 relate to nature conservation and species protection. In this respect the Local Planning Authority will not approve any development that would have an adverse impact upon wildlife species protected by law unless the Local Planning Authority can be sure that the species can be protected by planning condition.

The main thrust of the National Planning Policy Framework is for the delivery of sustainable development on sustainable sites. As the development is for a replacement dwelling the scheme is considered sustainable.

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 proposal seeks outline planning permission for the erection of a detached dwellings on the former garden of 34 Gorse Lane.

Having regard to the Council's Guidance on Publicity for Applications, notifications were sent to adjoining properties. A Site Notice was also displayed. At the time of writing this report 12 representations have been received.

The main thrust of the objection relates to the impact of a new dwelling on the area in terms of the associated traffic on the unmade road, impact upon neighbouring properties, potential for future development, scale and massing.

One of the main concerns is the impact of the development upon the character of the area. On inspection of the indicative plans it is considered that the overall plot size is comparable to the surrounding plots. As such, in terms of density, the site can easily accommodate a dwellings without detriment to surrounding residential properties.

Neighbouring properties are also concerned over a previous Inspector's decision to refuse the scheme in 1985 (T/APP/W4325/A/85/028346/P4) as the inspector agreed with the Local Planning Authority in that Gorse Lane was inadequate to serve the houses fronting it and as such the lane had reached capacity for development. In determining the current application the Head of Environment & Regulation (Traffic & Transportation Division) has been consulted with regards to the impact of the development on Gorse Lane and no objections have been raised and as such a refusal on such ground could not currently be sustained. An objector has commissioned a highway planner to appraise the scheme on their behalf and they conclude that the application should be refused in the interest of highway and pedestrian safety. The Head of Environment & Regulation (Traffic & Transportation Division) has assessed the impact of the development upon highway and pedestrian safety and see no reason why the application should be refused. Pedestrian and vehicular visibility has been assessed and is deemed adequate.

A further objection states that the development does not comply with Wirral's back land development policy HS10. This policy does not relate to this application as the development is not backland. The plot fronts onto Gorse Lane and as such UDP Policy HS4 is directly relevant.

Neighbouring properties raise the issue of covenants, construction traffic and the impact of the development on the sewerage system. These matters are not planning matters and as such a refusal on this issues could not be sustained.

Mature trees run around the perimeter of the site however the main garden area where the dwelling is proposed is made up of undeveloped lawn. In order to preserve the wooded character of the area a number of conditions should members be minded to approve the scheme.

Concern has been raised with regards to the impact of the proposed dwellings on the neighbouring properties. The LPA standards are outlined within SPG11. This states; that 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 plans demonstrate that the standard separation distances are easily met by the proposed scheme as all window to window and window to wall distances are more than met.

With regards to the design the NPPF places an emphasis on the delivery of sustainable development on sustainable sites. Paragraph 6 requires Local Authorities to deliver a wide choice of high quality homes and to boost the supply of housing. Paragraph 7 is a requirement for good design. The Government attaches great importance to the design of the built environment.

Having considered the proposal, the design of the area and the accommodation proposed it is considered that the proposed is acceptable given the context of the site in relation to the surrounding dwellings. All dwellings on Gorse Lane are detached properties set within their own grounds, the proposal will be no different. There is also a mix of materials in the area. The reserved matters application will determine the overall siting and design of the development however indicative layout will not appear out of context or character in this area.

With regards to policy GR5 - Landscaping And New Development a further condition can be attached to secure an appropriate landscaping scheme to ensure the boundary treatments are effective and the woodland character of the site is brought back.

The new vehicular and pedestrian access into the site is not considered to result in any more noise and disturbance than any other vehicular and pedestrian access into the surrounding properties. The Head of Environment & Regulation (Pollution Control Division) - No Objections has been consulted and raised no objection to the proposed scheme.

In summary, the proposal is considered suitable for the site and is not considered detrimental to the character of the area. The proposal is not considered to have an adverse impact on the amenities which the occupiers of neighbouring properties can reasonably expect to enjoy or detrimental to highway safety. The proposed new dwelling will have adequate levels of amenity space and off-street parking. The proposal complies with Policy HS4 and GR5 of the Wirral UDP, SPD2 and the provisions of the NPPF and is recommended for approval.

### **SEPARATION DISTANCES**

The Council normally expects habitable room windows directly facing each other to be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. The indicative plans demonstrate these distances can easily be met.

### **HIGHWAY ISSUES**

The Head of Environment & Regulation (Traffic & Transportation Division) has been consulted with regards to the impact of the development on Gorse Lane and no objections have been raised and as such a refusal on such ground could not currently be sustained. An objector has commissioned a highway planner to appraise the scheme on their behalf and they conclude that the application should be refused in the interest of highway and pedestrian safety. The Head of Environment & Regulation (Traffic & Transportation Division) has assessed the impact of the development upon highway and pedestrian safety, access for emergency vehicles and refuse and see no reason why the application should be refused. Pedestrian and vehicular visibility has been assessed and is deemed acceptable and therefore there are no reasons to refuse the scheme. The development therefore complies with Policy HS4 of the Wirral UDP.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no environmental/sustainability issues relating to the proposal.

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

The proposal has been considered with regards to the design, amenity and the impact upon highway and pedestrian safety and is considered suitable for the site and is not considered detrimental to the character of the area. The proposal is not considered to have an adverse impact on the amenities which

the occupiers of neighbouring properties can reasonably expect to enjoy. The proposed dwellings have adequate levels of amenity space and off-street parking. The proposal complies with Policy HS4 & GR5 of the Wirral UDP and the provisions of the NPPF 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 policy. In reaching this decision the Local Planning Authority has considered the following:-

The proposal has been considered with regards to the design, amenity and the impact upon highway and pedestrian safety and is considered suitable for the site and is not considered detrimental to the character of the area. The proposal is not considered to have an adverse impact on the amenities which the occupiers of neighbouring properties can reasonably expect to enjoy. The proposed dwellings have adequate levels of amenity space and off-street parking. The proposal complies with Policy HS4 & GR5 of the Wirral UDP and the provisions of the NPPF and is recommended for approval.

**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 or two years from the date of the approval of the last of the reserved matters, whichever is the later.

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

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - A. Layout
  - B. Scale
  - C. Appearance
  - D. Access; and
  - E. Landscaping

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

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

3. Before any construction commences, samples of the facing/roofing/window 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.

4. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The detailed landscaping plans shall include:

- i. details of boundary treatments and hard surfaces
- ii. the location, size and species of all trees to be planted
- iii. the location, size, species and density of all shrub and ground cover planting
- iv. a schedule of implementation

**Reason:** In the interests of visual amenity and to ensure that the development complies with Policy HS 4 of the Wirral Unitary Development Plan.

5. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed for each of the dwellings hereby approved as and when they are completed and before each relevant dwelling is first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To safeguard the visual amenities of the locality and the privacy/amenities of the existing adjoining and proposed new properties and to accord with Policy HS4 of the Wirral Unitary Development Plan.

6. Before the development hereby permitted is first commenced, 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 plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance and avoid overlooking having regard to Policy HS4 of the Wirral Unitary Development Plan.

7. 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 policy WM8 of the Waste Local Plan.

8. Prior to first occupation or use of the development, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

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

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction

works.

**Reason:** In the interests of the amenities of adjoining residents and having regard to Policy HS4 of the Wirral Unitary Development Plan.

10. Before development takes place a scheme for the protection of the retained trees- a tree protection plan (conforming to section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) shall be submitted and agreed in writing with the LPA. This scheme shall include:
- A. the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.
  - B. a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - C. 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 (conforming to section 6 BS 5837) containing;

- D. 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.
- E. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).
- F. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).
- G. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).
- H. 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.
- I. the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- J. the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).

**Reasons:** To protect trees which are of significant amenity value having regards to policy GR7 of Wirral's UDP

**Last Comments By:** 13/05/2015 10:41:02

**Expiry Date:** 26/05/2015