

Planning Committee

17 December 2015

Reference:
APP/15/00515

Area Team:
North Team

Case Officer:
Mr K Spilsbury

Ward:
Bidston and St James

Location: Land to the north of Copper Beech, 99 ELEANOR ROAD, BIDSTON, CH43 7QW

Proposal: Erection of 2 No. four-bedroom houses and 2 No. five-bedroom houses

Applicant: Mr D Kenny

Agent : N/A

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: Land adjacent 99 ELEANOR ROAD, BIDSTON, CH43 7QW
Application Type: Full Planning Permission
Proposal: Extension of time limit for implementation of previously approved planning application 05/5803 - Erection of 6 flats and 1 house.
Application No: APP/10/00414
Decision Date: 03/06/2010
Decision Type: Approve

Location: Land North of Eleanor Park, Eleanor Road, Bidston, Wirral, CH43 7QW
Application Type: Full Planning Permission
Proposal: Erection of 6 apartments and 1 dwelling and associated highway works
Application No: APP/05/05803
Decision Date: 27/05/2005
Decision Type: Approve

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

Having regard to the Council Guidance on Publicity for Applications, 10 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 7 letters of objection from the occupiers of 5 & 6 Eleanor Park, 53 & 99 Eleanor Road and 4 & 6 West Brow Gardens and a petition signed by 30 signatures. The objections are summarised as follows:

1. There are protected trees on the plot that will be removed;
2. The proposed access road is too narrow and will cause highway problems;
3. Properties have insufficient parking and will result in parking on Eleanor Road adjacent to Eleanor Park and West Brow Gardens;
4. The new junction would be a traffic hazard due to the proximity of the adjacent access. A previous application has been refused citing concerns over the use of an access from Eleanor Road;
5. The plans are misleading. The entrance and garage have been reduced to suggest the impact on the entrance will be less;
6. The development will cause structural and drainage problems due to excavation of the land; and
7. Letters were received late from the planning department.

CONSULTATIONS:

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

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

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of objection signed by 30 signatures has been received in objection to the scheme. Under the Scheme of Delegation for Determining Planning Applications, this planning application is required to be considered and determined by the Planning Committee.

INTRODUCTION

The proposal is for the erection of 4 detached dwellings located on a currently vacant site. Planning permission APP/2005/5803 for 6 flats and a 1 dwelling house has been granted in the past, but has now expired. Six apartments in a four storey building and two detached houses was dismissed at appeal on 17 March 2004 (APP/03/05917 refers).

PRINCIPLE OF DEVELOPMENT

The site is designated as part of Primarily Residential Area in the Wirral Unitary Development Plan and is covered by a tree protection order. Residential development is acceptable in principle subject to the

policies outlined below.

SITE AND SURROUNDINGS

The site was previously part of the larger residential site of West Brow and its associated gardens. This has since been demolished leaving the site to become overgrown and derelict.

The site subject of this application is a small area of deciduous woodland, which includes a number of specimens protected by tree preservation orders. There are significant changes in levels on the site with the gradient falling from Eleanor Road on the eastern boundary of the site down towards the Cricketers and Beechwood Estates. The gradient of some of these changes result in steep slopes within the site.

The site measures 30.5 metres in width and 79.0 metres in length. It has a total area of 0.24 hectares or 0.01 acres. The site is roughly rectangular and located between the residential street of Lords Avenue to the west, Eleanor Road to the east, and between to the recent residential developments of Eleanor Park to the south and West Brow Gardens to the North.

Eleanor Park is configured in a cul-de-sac formation, consisting of detached dwellings, similar in design. The development of West Brow Gardens incorporates a similar design and layout; and, the associated dwellings are of a similar scale and massing.

POLICY CONTEXT

Eleanor Road is designated as part of a Primarily Residential Area in the Wirral Unitary Development Plan. Residential development is acceptable in principal subject to the provisions of Policy HS4 Criteria for New Housing Development and Policy GR7: Trees & Development. Because of the dense tree cover on the western slopes of Bidston Hill, the Eleanor Road Development Brief was introduced as material consideration to provide a framework for development with the intention of maintaining the landscaped character of the area and allowing visual transition into the natural heath woodland on the crest of the hill.

UDP Policy HS4 indicates that housing development will be acceptable subject to it 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; 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 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; the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime; and the provision of adequate individual private or communal garden space to each dwelling

The site falls within Zone 1 of the Density of Development guidelines of the Eleanor Road Development Brief. This states that a maximum of 10 dwellings per hectare (4 per acre) should be used, in conjunction to due regard for local topography and protected trees. This also states that due regard should be paid to the mass, scale, and general appearance of original surviving house types present in the localised vicinity. These being predominantly no more than three-storey in their physical appearance.

Policy GR7: Trees and New Development is also directly relevant. In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value within the locality and their value for nature conservation.

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

The National Planning Policy Framework (NPPF) states that the purpose of Planning is help to achieve sustainable development and that good design is a key aspect which should contribute positively for making places better for people. The NPPF also says that local planning authorities should resist inappropriate development of residential gardens where the development would cause harm to the local

area. It is not considered that the proposed development is of such a scale to represent any harm to the local area in terms of amenity as well as heritage and conservation, given the mix and density of development that already exists within the immediate locality. It is considered that the proposed development is in keeping with the principles of the NPPF.

APPEARANCE AND AMENITY ISSUES

Following consultation with the applicant, the layout of the scheme has been amended to ensure that there is adequate spacing between dwellings, and sufficient outlook from habitable room windows.

The proposal is for 4 detached dwellings with landscaping, private amenity space and parking.

The development provides two house types all of which are detached 2 and 2.5 storeys in height. The overall scale of the dwellings are considered to be in keeping with the character of the area and replicate the surrounding built form. The layout is consistent with the density of the surrounding area and a lot less than previously approved on the site. APP/05/5803 - Erection of 6 apartments and 1 dwelling and associated highway works was approved 27/05/2005 and then the permission was extended in 2010 on 03/06/2010.

Each of the properties has dedicated private residential amenity space, off street parking and a garage. Property A has 6 bedrooms spread over the top two floors, type B has 4 bedrooms spread over the top two floors.

The architectural form of the dwellings reflects the character of the surrounding housing stock and as such are fairly traditional in aesthetic.

The scale, design and siting of the proposal was considered acceptable under planning application APP/05/05803 for the erection of 6 flats and a detached dwelling. This proposal is a less dense scheme and is for housing and as such is deemed acceptable in terms of the character of the area.

At the time of writing this report eight letters of objection has been received from the occupier of 5 & 6 Eleanor Park, 53 & 99 Eleanor Road and 4 & 6 West Brow Gardens. The objections are summarised as follows:

1. There are protected trees on the plot that will be removed
2. The proposed access road is too narrow and will cause highway problems
3. Properties have insufficient parking and will result in parking on Eleanor Road adjacent to Eleanor Park and West Brow Gardens
4. The new junction would be a traffic hazard due to the proximity of the adjacent access. A previous application has been refused citing concerns over the use of an access from Eleanor Road.
5. The plans are misleading; the entrance and garage have been reduced to suggest the impact on the entrance will be less.
6. The development will cause structural and drainage problems due to excavation of the land
7. Letters were received late form the planning department?

The development has been assessed by the Head of Environment & Regulation (Traffic & Transportation Division) who have considered the application in terms of the impact upon the existing road network, parking, as well as traffic and pedestrian safety. They state; four proposed dwellings on an unadopted private driveway are unlikely to have any significant traffic or highway safety impacts. As such no objections have been raised and therefore an objection on these grounds could not be sustained.

There are tree preservation orders on the site and as such the applicant has submitted a tree survey assessing the impact of the development upon the existing trees. The Arboricultural officer has assessed the application and is content that the removal of a large number of trees on the site would not harm the overall character of the area on the basis that a condition be attached to secure details of the proposed landscaping and boundary treatment as well as a replacement planting scheme.

In relation to the objection raised over the potential for structural damage caused by the construction process this is not a planning matter and as such a refusal on these ground could not be sustained. However in the interest of preserving the character of the area a construction management plan

condition could be attached to the application should members be minded to approve the scheme.

The Head of Environment & Regulation (Pollution Control Division) has been consulted and has raised no objections to the scheme. The overall design and layout is considered to be a significant improvement on the previous application that incorporated a large three storey block of flats and a large detached dwelling. Dwellings have been orientated to ensure there is no overlooking and as such accord with the Council's proscribed separation distances.

The proposed development is deemed acceptable in terms of the criteria set out in Wirral's UDP and the NPPF and is hereby recommended for approval.

SEPARATION DISTANCES

The adjacent properties No.99 Eleanor Road and No.1 Westbrow Gardens do not have habitable windows facing the site. The application has been amended at the request of the LPA to ensure all separation distances are met and as such there will be no overlooking or loss of amenity.

HIGHWAY/TRAFFIC IMPLICATIONS

As stated above the development has been assessed by the Head of Environment & Regulation (Traffic & Transportation Division) who have considered the application in terms of the impact upon the existing road network, parking, as well as traffic and pedestrian safety. They state; the proposed dwellings on an unadopted private driveway are unlikely to have any significant traffic or highway safety impacts.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Environmental/Sustainability issues relate to loss of protected trees from proposal.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposal is considered acceptable in terms of its siting, size and design. The proposal does not result in loss amenity having regards to privacy, daylight or sunlight to neighbouring properties and is acceptable in highway safety terms. The development complies with Council policy HS4 of the adopted Wirral Unitary Development Plan and the National Planning policy Framework and is therefore 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 advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is considered acceptable in terms of its siting, size and design. The proposal does not result in loss amenity having regards to privacy, daylight or sunlight to neighbouring properties and is acceptable in highway safety terms. The development complies with Council policy HS4 of the adopted Wirral Unitary Development Plan and the National Planning policy Framework and is therefore recommended for approval.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25th November 2015 and listed as follows:

2383/02/03 rev A (Dated 23/11/15), 2383/02/02, 2383-02-03, 2383-02-04, 2383-02-05, 2383-02-06, 2383-02-07, 2383-02-07, 2383-02-08, 2383-02-09, 2383-02-10, 2383-02-11, 2383-02-12, 2383-02-13, 2383-02-18, 2383-02-19, 2383-02-20, 2383-02-21, 2383-02-22, 2383-02-23, 2383-02-24, 2383-02-25, 2383-02-26 and 2383-02-27

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

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. 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.

5. 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 Policy WM9 of the Waste Local Plan

6. 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 HS4 of the Wirral Unitary Development Plan.

7. No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428,

1989, Code of practice for general landscape operations (excluding hard surfaces). The approved tree planting scheme shall be implemented in full in accordance with a timetable to be agreed by the Local Planning Authority and it shall be retained as such thereafter

Reason: In the interest of amenity having regards to policy HS4 and GR7 of Wirral's UDP

8. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and those satisfactory gradients are achieved.

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. NO DEVELOPMENT SHALL COMMENCE ON SITE until full details of the estate road and access onto Eleanor Road, including but not restricted to footways, footpaths, verges, junctions, sewers, drains, service water outfall, visibility splays, carriageway gradients, drive gradients and a timetable for provision of such works, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the details have been constructed and laid out in accordance with the details as approved.

Reason: To ensure satisfactory and safe access to the site and that the development is laid out and constructed in a satisfactory manner having regard to Policy HS4 of the Wirral Unitary Development Plan.

Last Comments By: 27/10/2015 16:15:32

Expiry Date: 11/11/2015