

Planning Committee

17 December 2015

Reference:
APP/15/01174

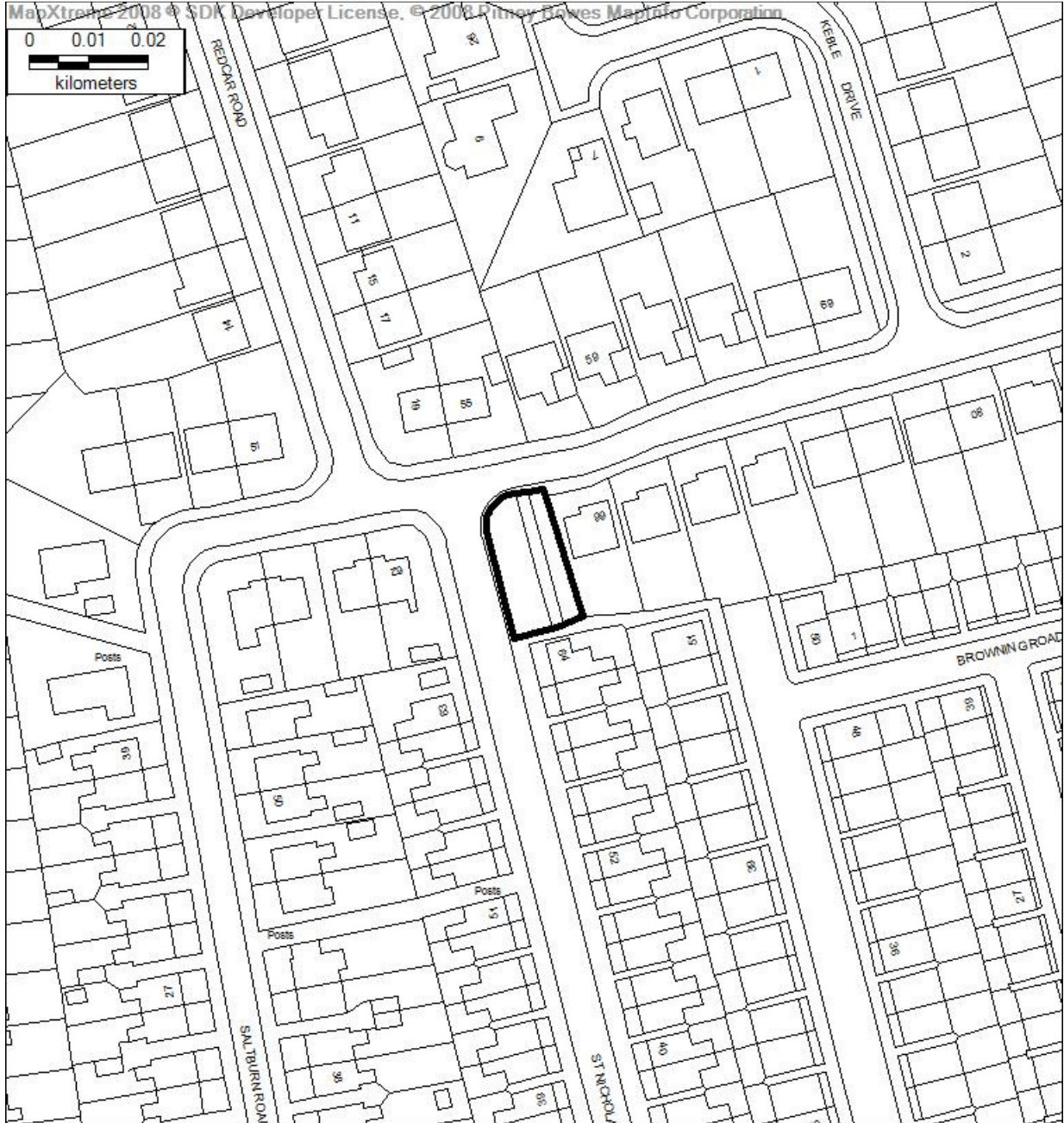
Area Team:
North Team

Case Officer:
Mr P Howson

Ward:
Wallasey

Location: Amenity Open Space, ST NICHOLAS ROAD, WALLASEY VILLAGE
Proposal: Change of Use to Residential Garden
Applicant: Mr Nick Small
Agent : N/A

Site Plan:



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Development Plan designation and policies:
Primarily Residential Area

Planning History:

Location: Park land on the corner of Saltburn Road and St. Nicholas Road, Wallasey Village, CH45 8NQ
Application Type: Full Planning Permission
Proposal: Erection of an electricity sub-station.
Application No: APP/78/09063
Decision Date: 13/03/1978
Decision Type: Refuse

Location: Land adjacent 66 Saltburn Road and 64 St Nicholas' Road, Wallasey Village, Wirral, CH45 8JL
Application Type: Work for Council by Council
Proposal: Erection of a 2m. high fence.
Application No: APP/02/05271
Decision Date: 08/04/2002
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 5 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing, 23 letters of representation have been received; 9 in favour and 13 against the proposal. A qualifying petition of objection has also been received objection to the proposals. The objections can be summarised as follows:

1. Loss of community amenity
2. Detrimental to the character of the area
3. Insufficient public notice

CONSULTATIONS

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

Director's Comments:

This planning application was deferred for consideration at Planning Committee on 26 November 2015 to allow for a formal Member's Site Visit to take place.

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Leah Fraser objects to the application and would like the application to be determined by the Planning Committee and has asked for the application to be taken out of delegation on the grounds that there is no evidence to substantiate the assertion put forward with the application that the area has been the subject of anti-social behaviour and the area is open and visible. If the area becomes a private garden, enclosed by fencing, then the entry way that runs along the bottom of the site from St Nicholas Road to Malvern Road would result in a tunnel effect, hidden from view that could give rise to anti-social behaviour.

In addition, a qualifying petition of objection signed by 26 people has been received.

INTRODUCTION

This application is for the change of use of land directly adjacent to No. 66 Saltburn Road to a domestic garden and the subsequent erection of a brick wall around the site. The site in question would form part of curtilage of No. 66 Saltburn Road.

Over the course of this application amended plans were requested addressing concerns over visual amenity and the character of the area. Amended plans were received and the issues subsequently resolved.

PRINCIPLE OF DEVELOPMENT

The application is for the change of use of a grassed and tree planted area of open space to a domestic garden within a Primarily Residential Area. The site is not identified for protection as Urban Greenspace or for recreation under Sections 8 and 9 of the Unitary Development Plan. The proposal could be considered acceptable in principle, subject to UDP Policies HS4, GR5 and GR7. However, more recent national planning policy provides protection for existing open space, which is reflected in the emerging Core Strategy.

SITE AND SURROUNDINGS

The land in question comprises of a grassed area which occupies the corner of St Nicholas Road and Saltburn Road. The development site is currently inaccessible to the public and there are railings and locked gate around the curtilage of the site. Five trees exist within the site which do not benefit from any formal protected status.

Saltburn Road is comprised of detached and semi-detached residential dwellings with clear distinctions between architectural style along the southern and northern axis of the street. A number of trees are sited at irregular intervals at the junction with St Nicholas lending an intimate sense of enclosure. St Nicholas Road is comprised of two storey residential dwellings constructed within close proximity of one another of uniform architectural style. The playing fields associated with Wallasey Rugby Club, Harrison Park and playing fields parallel to Leasowe Road are all within a reasonable distance of the site in question.

POLICY CONTEXT

The area is not formally designated as Urban Greenspace in the Unitary Development Plan, however, the planning application should be assessed for compliance with UDP Policies HS4 'Criteria for New Housing Development', GR5 'Landscaping and New Development' and UDP Policy GR7 'Trees & New Development' which seek to ensure proposals are compatible with the character of the area and secure protection and enhancement of visual amenity.. This application should also be considered against the National Planning Policy Framework (NPPF), which is a significant material consideration. NPPF paragraph 74 indicates that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements or the loss resulting from proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The protection of recreational land would also be supported by Policy CS31 in the Core Strategy Proposed Submission Draft, which has been approved as material consideration by the Council for use in determining planning applications.

APPEARANCE AND AMENITY ISSUES

The land was at one time open to the public but has been fenced off over the past 10 years with railings and locked gates to prevent antisocial behaviour. Whilst not currently accessible to the public, the site has value as visual amenity open space. It is considered that the principal issue in this case is whether the amenity land to be incorporated into the garden of the adjacent house is land that should be retained to preserve the visual amenity of the overall area and/or a useful facility which has positive benefit for nearby residents.

The application seeks approval for the erection of a part low rise wall, no more than 1 metre in height, along the northern axis of the site in question and a 1.9 metre high brick wall with timber panel inserts along the south/south-west axis of the site.

In respects of the visual amenities of the area and/or the potential for the area to be used for play or sitting out, it should be noted that the site is currently inaccessible to the public and has been for a number of years as it is surrounded by railings with a locked gate. As such, the site currently affords no useful facility for play or sitting out for nearby residents. There is no other public open space within the Council's standard of 400 metres walking distance of the site (UDP paragraphs 8.7 to 8.11 refer). residents. The fields at Wallasey Rugby Club (600 metres), Harrison Park (1,000 metres) and the playing fields along Leasowe Road (1,000 metres) are the closest accessible and available amenity and open spaces for the wider community.

The application proposes to enclose the site with a low rise wall and timber fence which would be no more than 1.8 metres in height. As such the proposal is not considered to result in any loss of

recreational amenity to neighbouring uses whilst the boundary treatment is not considered to result in a significant impact on this part the street to warrant refusal in this instance.

Other Matters

Over the course of this application a qualifying petition and 23 letters of representation were received, 9 of which were in favour and 13 against, summary of comments;

- a) Loss of community amenity
- b) Detrimental to the character of the area
- c) Insufficient public notice

The site in question is currently inaccessible to the public and has been for a number of years. Furthermore the development site is not designated as a site to be retained for recreational use under the provisions of the Wirral UDP. Residential uses within Primarily Residential Areas are acceptable in principle under the provisions of the UDP as such the erection of a part low rise wall and fencing along the curtilage and the sites use as residential garden is not considered to result in significant detrimental change to the character of the area. A site notice was affixed to the northern perimeter and five notifications were sent out to properties within close proximity to the development site.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The Environmental/Sustainability issues relate to the impact on the character and visual amenity of the area from this proposal.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposed change of use and subsequent boundary treatment is considered acceptable in principle and will not have a significant adverse impact upon the street scene or character and appearance of the area or the recreational or visual amenity of the neighbouring properties. On balance, the application is considered to be acceptable.

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 proposed change of use and subsequent boundary treatment is considered acceptable and will not have a significant adverse impact upon the street scene or character and appearance of the area or the recreational or visual amenity of the neighbouring properties.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 29 October 2015 and listed as follows:
EL1/PL1 Proposed Boundary Wall Treatment and Location Plan LP1

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

3. 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 garages, outbuildings or enclosure shall be constructed within the applications site without the prior written approval of the Local Planning Authority.

Reason: In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policies HS4 & GR5 of the Wirral Unitary Development Plan.

4. The external finishes of the development hereby permitted shall match those of the existing building in material, colour, style, bonding and texture.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policies HS4 & GR5 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 06/10/2015 15:39:31

Expiry Date: 30/10/2015

