

# Planning Committee

17 December 2015

**Reference:**  
**OUT/15/01287**

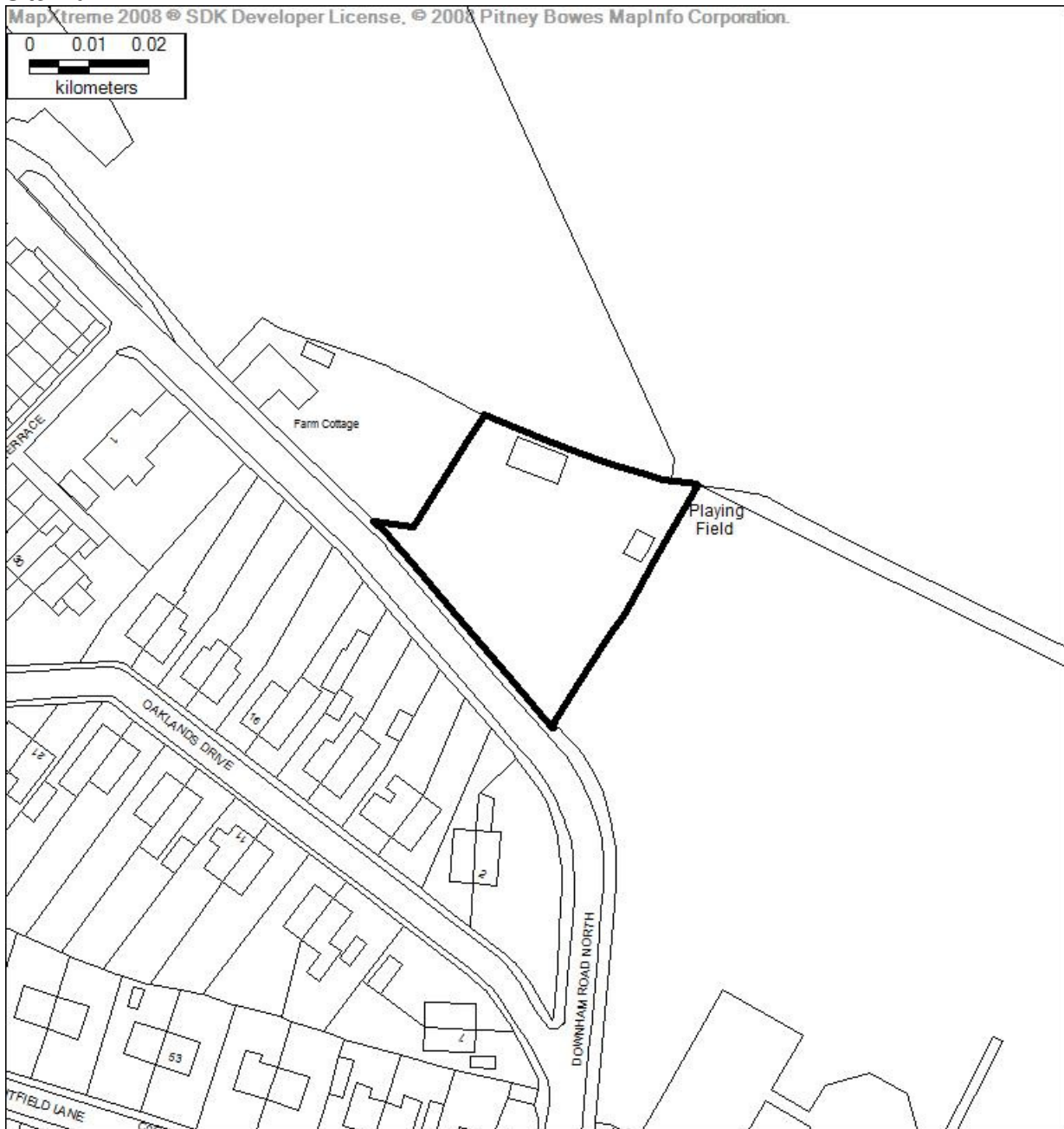
**Area Team:**  
**South Team**

**Case Officer:**  
**Mr P Howson**

**Ward:**  
**Pensby and Thingwall**

**Location:** Farm Cottage, 33 DOWNHAM ROAD NORTH, HESWALL, CH61 6UN  
**Proposal:** Outline consent for the erection of 2 No. dwellings with some matters reserved (amended description)  
**Applicant:** Grosvenor Homes Ltd  
**Agent :** Matthews and Goodman LLP

## Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

- Location: Farm Cottage, Downham Road North, Heswall, L61 6UN  
Application Type: Full Planning Permission  
Proposal: Erection of two single storey extensions to bungalows and alterations to existing roof.  
Application No: APP/81/19209  
Decision Date: 05/11/1981  
Decision Type: Conditional Approval
- Location: Farm Cottage, Downham Road North, Barnston, L61 6UN  
Application Type: Full Planning Permission  
Proposal: Rebuilding of an existing bungalow with alterations and an extension  
Application No: APP/82/20821  
Decision Date: 26/08/1982  
Decision Type: Conditional Approval
- Location: Garden south of (adjacent) Farm Cottage, Downham Road North, Heswall. L61 6UN  
Application Type: Outline Planning Permission  
Proposal: Erection of three detached dwellings and garages, (outline).  
Application No: OUT/93/06636  
Decision Date: 17/12/1993  
Decision Type: Refuse
- Location: Garden south of (adjacent) Farm Cottage, Downham Road North, Heswall. L61 6UN  
Application Type: Outline Planning Permission  
Proposal: Erection of two detached dwellings and garages, (outline).  
Application No: OUT/94/05303  
Decision Date: 30/03/1994  
Decision Type: Refuse
- Location: Farm Cottage, 33 Downham Road North, Heswall, Wirral, CH61 6UN  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey side and rear extension and creation of a new vehicular access  
Application No: APP/99/06540  
Decision Date: 22/10/1999  
Decision Type: Approve
- Location: Farm Cottage, 33 Downham Road North, Heswall, Wirral, CH61 6UN  
Application Type: Full Planning Permission  
Proposal: Erection of a rear conservatory and detached garage  
Application No: APP/05/07599  
Decision Date: 10/01/2006  
Decision Type: Approve
- Location: Farm Cottage, 33 DOWNHAM ROAD NORTH, HESWALL, CH61 6UN  
Application Type: Full Planning Permission  
Proposal: Single storey side and rear extensions  
Application No: APP/15/00633  
Decision Date: 24/06/2015  
Decision Type: Approve
- Location: Farm Cottage, 33 DOWNHAM ROAD NORTH, HESWALL, CH61 6UN  
Application Type: Full Planning Permission

Proposal: Development of four dwellings with associated access and landscaping works.

Application No: APP/15/00500

Decision Date: 28/07/2015

Decision Type: Withdrawn

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

### REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 22 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing a single letter of representation has been received, summary of comments;

1. Regard should be given to the vehicle access as this is a dangerous location
2. Boundary vegetation should be retained
3. Trees have been removed within the site
4. Properties along Oaklands Drive will be overlooked
5. Parking
6. Construction traffic

### CONSULTATIONS

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

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

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

Councillor Michael Sullivan requested that the application be taken out of delegation for reasons of parking and loss of privacy.

### **INTRODUCTION**

This application seeks outline consent for the erection of two dwellings on land adjacent to Farm Cottage No. 33 Downham Road, Heswall. Appearance, landscaping and scale are reserved for subsequent approval.

Over the course of this application amended plans were requested addressing concerns over the scheme in relation to the character and appearance of the area. Amended plans were submitted and the issues subsequently resolved.

### **PRINCIPLE OF DEVELOPMENT**

The proposal is located within a Primarily Residential Area as per the Wirral UDP Proposals Map 2000. The site in question is considered to be a sustainable location and Policy HS4 supports new residential development within Primarily Residential Areas, as such the proposal is considered acceptable in principle subject to the relevant policies within the adopted Wirral UDP and the National Planning Policy Framework (NPPF).

### **SITE AND SURROUNDINGS**

The application site comprises of a grassed area approximately 0.20 hectares situated to south-east of Farm Cottage. The site is accessed via a driveway which serves Farm Cottage and sits at an elevated position relative to Downham Road. A large sandstone retaining wall forms the boundary along the southern axis of the site whilst areas of dense vegetation form the boundary on its north and eastern axis.

This part of Downham Road is represented by two and single storey residential dwellings constructed at

angles to the street. The northern axis of Downham Road features areas of open countryside whilst the southern axis of the street is fronted by the rear boundary treatment of a number of dwellings along Oaklands Drive.

## **POLICY CONTEXT**

Policy HS4: Criteria for New Housing Development states that proposals for new housing development will be permitted subject to the proposal being of a scale which relates well to surrounding property, not resulting in detrimental change the character of the area, access and services being capable of satisfactory provision for off-street car parking areas, the provision of appropriate landscaping and boundary treatment and adequate private or communal amenity space.

Policy GR5: Landscaping and New Development seeks proposals to submit full landscaping proposals including the specification of new planting, the appropriateness in terms of the nature of the of the location of the development, provide for the protection and enhancement of existing features and take full account of the effect of proposals on visibility at access points and local climatic influences.

Policy GR7: Trees and New Development of the Wirral UDP requires new buildings, structures and hard surface areas to be sited to substantially preserve the wooded character of the site or of the surrounding area, provide for the protection of trees of greatest visual or wildlife value and ensure that trees have adequate space to prevent damage to their canopy and root structure. Policy GR7 also seeks to prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms.

Policy LA7: Criteria for Development at the Urban Fringe requires new development proposals at the edge of the urban area to be sited, designed and landscaped in order to minimise visual intrusion, boundary treatment being appropriate in terms of the character of the surrounding landscape and prominent features within the landscape framework of the area are retained and enhanced.

The National Planning Policy Framework (NPPF) is a material planning consideration which sets a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment and the conditions in which people live.

## **APPEARANCE AND AMENITY ISSUES**

The application seeks outline consent for the erection of No. 2 residential dwellings on land adjacent to Farm Cottage with appearance, landscaping and scale subject of a reserved matters application.

In respects of the scheme proposed, it is considered that the site would be able to accommodate two residential dwellings with sufficient private amenity space, off-street parking and turning circle and is acceptable in this respect.

There have been two previously refused applications and subsequent dismissed appeals for No. 3 residential dwellings under OUT/93/6636 and No. 2 dwellings under OUT/94/5303 with the Inspector stating that *'the proposals would erode the rural character of the land to the east of Downham Road North and would conflict with the objectives of the local and national planning policies'*.

Following the Inspectors decision, the National Planning Policy Framework (NPPF) was introduced in 2012 a material planning consideration. NPPF, paragraphs 14, 56 and 64 sets a presumption in favour of sustainable development which contributes positively to making places better and make it clear that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of the area and way it functions.

It is considered that the proposed dwellings would be within reasonable distance to local amenities and public transport whilst contributing to housing delivery. The previously refused applications and subsequent dismissed appeals were for outline consent with all matters reserved with the inspector stating that the supporting drawings were for illustrative purposes only.

Policy LA7 (criterion i) of the Wirral UDP requires new buildings to be sited in order to minimise visual intrusion. At the request of the Local Planning Authority the applicant has reduced the density and footprint of the scheme and resubmitted for outline consent including details of access and layout. It is considered that a well landscaped scheme would retain the rural character of this part of Downham Road and a condition has been imposed to this affect. The proposed layout would minimise the visual intrusion of the scheme within the immediate vicinity and high quality low rise scheme would be sought at reserved matters to preserve the open aspect of this part of the street.

In respects of neighbouring amenity, no details have been submitted regarding the position of windows as this is not required at outline stage, however, it is considered that two dwellings could be accommodated on the site in question with regard to 21 metre separation distances required.

#### Other Matters

Over the course of this application two letters of representation were received one comment and one objection, summary of comments;

- a) Regard should be given to the vehicle access as this is a dangerous location
- b) Boundary vegetation should be retained
- c) Trees have been removed within the site
- d) Properties along Oaklands Drive will be overlooked
- e) Parking
- f) Construction traffic

The applicant has demonstrated that the scheme would achieve clear visibility splays whilst the Head of Environment & Regulation (Traffic and Transportation Division) has raised no objections to the proposal. Issues relating to construction including traffic is not a material planning consideration and thus holds no weight in the determination of this application.

At the time of the site visit the site appeared clear with trees and vegetation confined to the boundary. There are no tree preservation orders within the site in question and it is not sited within a conservation area as such afford no formal protection. The proposed dwellings would be sited at least 28 metres from the rear of properties along Oaklands Drive and as such the interface distances could be met details of windows would be included as part of reserved matters.

#### **SEPARATION DISTANCES**

No details have been submitted detailing the position of windows as this will be subject to a reserved matters application, however, the Local Planning Authority seeks a 21 metre separation distance for habitable room windows facing one another whilst main habitable rooms should be 14 metres from any blank gable. If there are differences in land levels a greater separation should be provided.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

An application for No. 4 dwellings was submitted and subsequently withdrawn on the site in question under APP/15/00500. The Head of Environment & Regulation (Traffic and Transportation Division) raised concerns regarding the proposed access and lack of clear visibility splays on the previously withdrawn scheme. The applicant has submitted an amended plan as part of this application demonstrating that clear visibility splays are achievable furthermore the Head of Environment & Regulation (Traffic and Transportation Division) has raised no objections to the proposal.

#### **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 application for outline planning permission including details of layout and access with matters of appearance, landscaping and scale reserved is acceptable having regard to the surrounding residential development and complies with Policy HS4 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

### **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 application for outline planning permission including details of layout and access with matters of appearance, landscaping and scale reserved is acceptable having regard to the surrounding residential development and complies with Policy HS4 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

**Recommended Decision:                      Approve**

### **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 17 September 2015, 5 November 2015 and 24 November 2015 and listed as follows: 01 Preliminary Tree Constraints Plan, L(80)001 Existing Site Plan, SCP/15049/F01 Rev B Acces Design & Swept Path Analysis, 111 Rev B Site Layout Street Elevation and Site Location Plan

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

3. 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) Scale
- (b) Appearance
- (c) 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.

4. Before any construction commences, 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 HS4 of the Wirral Unitary Development Plan.

5. The detailed plans submitted as reserved matters shall include a survey of existing and proposed ground levels, sections across the site and details of the finished slab level for each property. The ground levels across the site and finished slab levels for each property shall be as per the approved plans.

**Reason:** In the interests of privacy and amenity of neighbouring occupiers and to ensure that the development complies with Policy HS4 of the Wirral Unitary Development Plan.

6. The detailed landscaping plans submitted as reserved matters 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. Prior to commencement of development details of a surface water management plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in full in accordance with the agreed plan and retained as such thereafter.

**Reason:** In the interest of land drainage having regards to policy WA2

8. 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.

9. No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan.

**Reason:** In the interests of amenity and to accord with Policy HS4 in the in the Wirral Unitary Development Plan

10. 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) 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:** To safeguard the amenities of the occupiers of adjoining property and the area generally and to accord with Policy HS4 of the Wirral Unitary Development Plan.

11. 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 Policy HS4 of the Wirral Unitary Development Plan.

12. Arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made for inclusion within the curtilage of the site, in accordance with details to be submitted with the detailed planning application for reserved matter. The approved details shall be implemented in full before the development hereby approved is brought into use 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.

**Further Notes for Committee:**

**Last Comments By:** 26/11/2015 14:06:52

**Expiry Date:** 12/11/2015