

# Planning Committee

17 March 2016

Reference:  
**OUT/15/01123**

Area Team:  
**South Team**

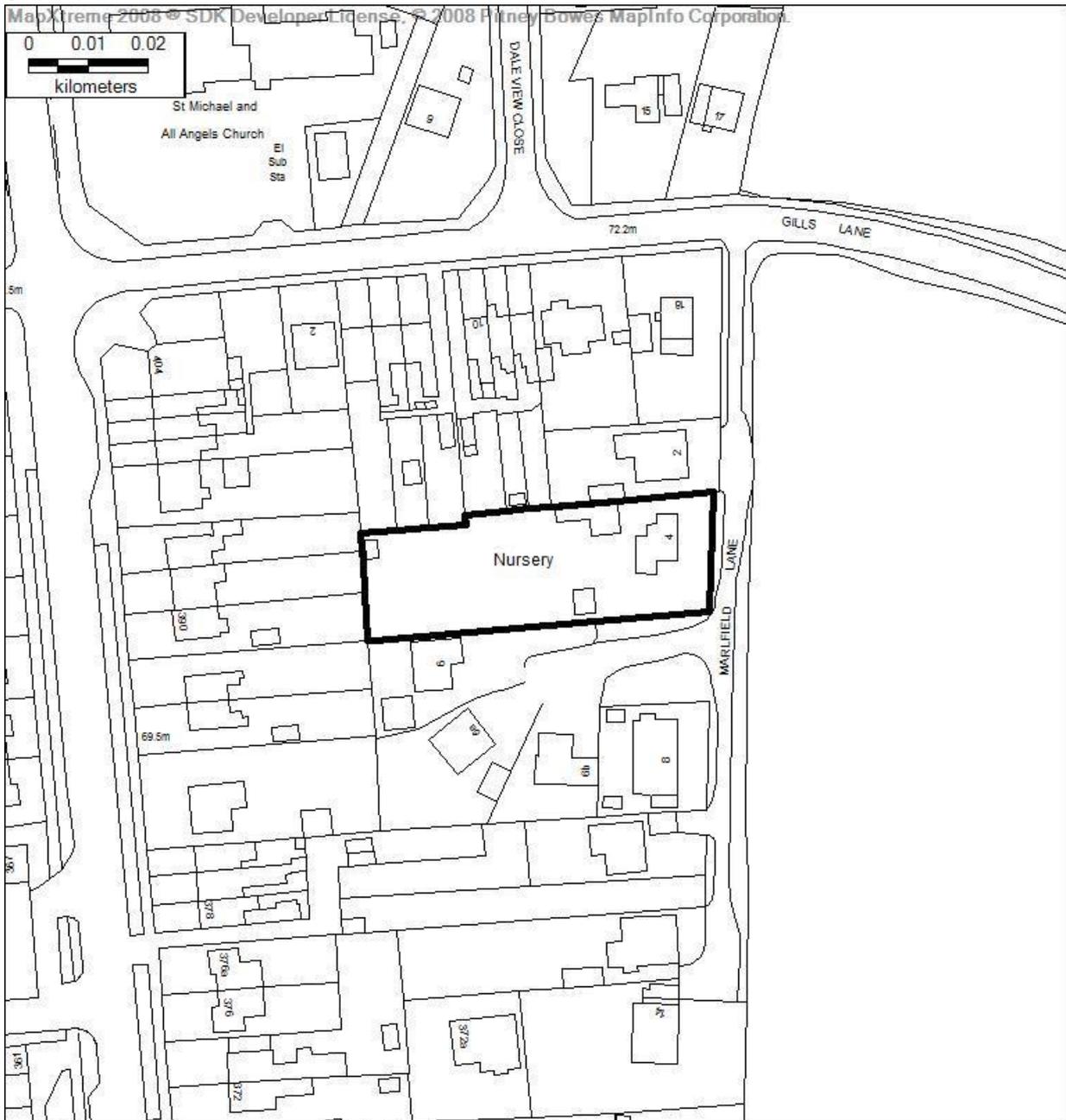
Case Officer:  
**Mr K Spilsbury**

Ward:  
**Pensby and Thingwall**

**Location:** MARLFIELD COTTAGE, 4 MARLFIELD LANE, PENSBY, CH61 1AJ  
**Proposal:** Outline Planning Permission for two new detached houses on land to the rear of 4 Marfield Lane, Pensby, Wirral (amended).

**Applicant:** Mr Jackson  
**Agent :** N/A

## Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

No planning history for this site

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

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, objections have been received from the occupiers of 2, 6, 6a, 6b, 10, 12 & 14 Marfield Lane, 4 & 12 Gills Lane, 386, 392 & 394 Pensby Road. The objections are summarised as follows;

1. Overdevelopment and out of character with the area
2. Increased noise due to vehicular movements
3. Impact upon pedestrian safety due to increased traffic
4. Burden on existing utilities
5. Impact of development on trees
6. Adverse effect of the development on the unmade road
7. Privacy of neighbours adjoining the site might be compromised
8. Boundary must be reinstated to maintain privacy
9. An application at 14 Marfield Lane has been refused in the past.
10. Surface water drainage problems
11. The development is garden grabbing!
12. Elderly population may suffer during construction process
13. Development will result in overlooking

CONSULTATIONS:

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

**Head of Environment & Regulation (Environmental Health Division):** No objections

**Director's Comments:**

Consideration of this application was deferred from Planning Committee on 18 February 2016 to allow for a formal Members Site Visit to take place.

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is taken out of delegation by Councillor Sullivan as he has concerns over the traffic implications caused by two new dwellings on Marfield Lane and the impact of the development on the character of the area

**INTRODUCTION**

The proposed development is an outline application for the erection of two dwellings. Appearance and landscaping are reserved for subsequent approval, access, layout and scale are all to be established at outline stage.

**PRINCIPLE OF DEVELOPMENT**

The site is designated as part of a Primarily Residential Area in the Wirral Unitary Development Plan, where residential development on back-land sites are acceptable in principle subject to compliance with the policies set out below.

**SITE AND SURROUNDINGS**

The site is located in the rear garden of 4 Marfield Lane. The existing cottage building is located at the east of the site with a series of outbuildings running along the northern boundary. There is an existing access off Marfield Lane that currently serves the property running along the southern boundary of the site.

To the north lies the rear gardens of those properties located on Gills Land and to the south is a development of housing forming a half crescent adjacent to the site.

### **POLICY CONTEXT**

The site is located within a Primarily Residential Area where UDP : Policy HS10 - Backland Development, Policy GR5 - Landscaping and New Development, Policy GR7 - Trees and New Development and Policy TR9 - Requirements for Off Street Parking are applicable.

Supplementary Planning Guidance and Documents; SPG 10 - Backland Development and SPD4 - Parking Standards are also relevant.

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, which can be secured through planning conditions.

The National Planning Policy Framework (NPPF) is a material consideration, with regards to Sections 6 and 7 in particular.

### **APPEARANCE AND AMENITY ISSUES**

Following negotiation with the planning department and the applicant the dwellings have been relocated within the site to ensure the amenities of the surrounding residents would be preserved and the development would tie in with the character of the area.

In accordance with UDP Policy HS10 the frontage dwellings would now have sufficient garden space and in the development would not result in a detrimental change to the character of an area, nor result in undue noise, disturbance, loss of privacy or sense of enclosure for the adjoining residents. The dwellings have been orientated to follow the line of the properties 8-6 Marfield Lane.. This will ensure the character of the area is preserved and prevent any harm to residential amenity.

The development will utilise the existing access which is deemed to be a sufficient width to provide a private drive of 3.0 metres width with amenity strips to one sides (south), and adequate passing places. Should members be minded to approve the application a condition will be imposed to ensure it is properly formed and hard-surfaced, with adequate sight lines and visibility splays at its junction with the existing road.

At the time of writing, objections have been received from the occupiers of 2, 6, 6a, 6b, 10, 12 & 14 Marfield Lane, 4 & 12 Gills Lane, 386, 392 & 394 Pensby Road.

With regards to the overall siting of the proposed dwellings, the applicant has amended the scheme at the request of the Local Planning Authority. There are a number of neighbouring dwelling houses within close proximity of the site as such the dwellings have been positioned at right angles to the rear gardens of Gills Lane to ensure the potential impact upon residential amenities is reduced. If members are minded to approve the scheme a condition will be imposed to ensure there are no habitable room windows in the side elevation facing the neighbouring dwellings.

The Head of Environment and Regulation (Environmental Health Division) has raised no objection to the scheme with regards to noise and disturbance. The disruption caused by construction is not a valid reason to refuse the scheme on planning grounds however if members are minded to approve the scheme a construction management condition can be imposed.

Concerns raised over drainage can be remedied by a condition to ensure no development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

The appearance and landscaping have been reserved for subsequent approval however all other matters comply with Policy HS4 of the Wirral Unitary Development Plan. Details of both the design and appearance of the proposed houses will be condition to be submitted as part of the reserved matters

application to ensure the development complements the surrounding area. In addition a landscaping plan will also be required to ensure party boundaries are maintained and where necessary improved in addition to all hard and soft landscaping throughout the site including a planting scheme. There are currently no Tree Preservation Orders on site. The existing trees have been assessed, but a TPO could not be justified in this particular case.

### **SEPARATION DISTANCES**

To maintain an acceptable outlook for the proposed new dwellings and to protect amenity of those surrounding the site the following separation distances need to be achieved: 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. If there are differences in land levels or where development adjoins that of different ridge height, such as three-storey development adjacent to two-storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

The dwellings have been sited to ensure the appropriate separation distances are met and in most cases exceeded. The closest properties on Pensby Road are over 33m from the site, on Gills Lane, 27m and the closest property 6 Marfield has a blank gable adjacent to the siting of the nearest dwelling. The dwellings have an approximately 30m separation distance from 4 Marfield and each dwelling has a large front and rear garden for private amenity space. The indicative plans show a window in the north facing elevation of the northerly most dwelling however as this serves a landing, a condition can be imposed at reserved matters stage to ensure no overlooking occurs.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal. The Head of Environment & Regulation (Traffic & Transportation Division) has been consulted on the application and has raised no objection to the scheme stating "whilst the existing sight lines at the junction of Marfield Lane and Gills Lane is not ideal, two additional dwellings off an existing unadopted access road is unlikely to have a significant impact on highway safety.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals. Should members be minded to approve the scheme a condition can be imposed to ensure no development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

The Joint Waste Local Plan for 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. Conditions for sustainable waste management are proposed to ensure compliance with the Joint Waste Local Plan for Merseyside and Halton.

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

The proposed outline development for two dwellings has been considered with regards to the access, layout and scale and is considered suitable for the site without detriment 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 Policies HS4, HS10, GR5 & GR7 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 advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed outline development for two dwellings has been considered with regards to the access, layout and scale 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, HS10 GR5 & GR7 of the Wirral UDP and the provisions of the NPPF and is recommended for approval.

**Recommended Decision:**                      **Approve**

**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) Appearance
  - (b) 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:** To ensure a satisfactory standard of appearance having regard to policy GR5 of the Wirral UDP

5. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

6. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.

**Reason:** To ensure a satisfactory relationship between the various components of the development 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 and hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 and GR7 of the adopted 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to the dwellings shall be erected unless expressly authorised.

**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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

**Reason:** In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

12. As part of an application for the approval of reserved matters for layout, appearance, landscaping and access full details of a scheme for a sustainable drainage system<sup>1</sup> to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement shall be submitted for consideration by the Local Planning Authority in consultation with Lead Local Flood Authority.

**Reason:**

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 102 and 103 of the National Planning Policy Framework, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

13. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on and listed as follows: 001 rev A (Dated 23.10.15), 003 Rev A (Dated 23.10.15), 004 Rev A (Dated 23.10.15), 005 Rev A (23.10.15), 007 (Dated 23.10.15) & 008.

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

**Further Notes for Committee:**

1. Details of a scheme for a sustainable drainage system should include:
  - a) Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
  - b) Demonstrate that the surface water run-off would not exceed the pre-development greenfield runoff rate for the existing greenfield site;
  - c) Include details of a site investigation and test results to confirm infiltrations rates;
  - d) Include details of how any flood water, including depths, will be safely managed in exceedance routes;
  - e) Secure arrangements for adoption by an appropriate public body or statutory undertaker or, management and maintenance by a Residents' Management Company through an appropriate legal agreement;
  - f) Secure arrangements, through an appropriate legal agreement for funding on-going maintenance of all elements of the sustainable drainage system including:
    - i mechanical components;
    - ii. on-going inspections relating to performance and asset condition assessments and;

- iii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- g) Secure means of access for maintenance and easements, where applicable.
- h) Include a timetable for implementing the scheme

**Last Comments By:** 11/12/2015 14:18:21  
**Expiry Date:** 21/10/2015