

# Planning Committee

10 November 2016

**Reference:**  
**OUT/16/00706**

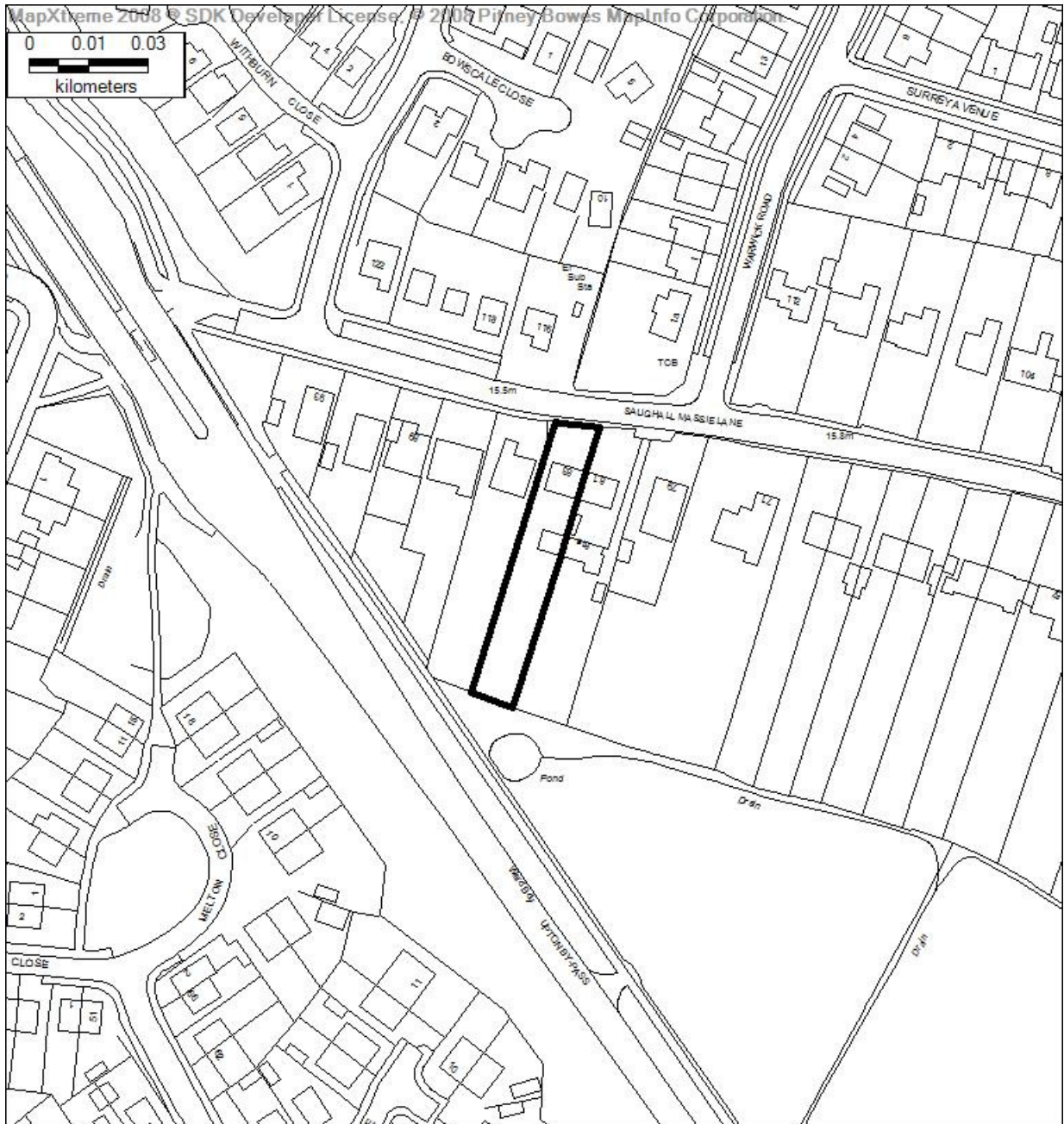
**Area Team:**  
**North Team**

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

**Ward:**  
**Upton**

**Location:** 83 SAUGHALL MASSIE LANE, UPTON, CH49 6LZ  
**Proposal:** Outline Consent for a dormer bungalow with some matters reserved (amended description)  
**Applicant:** Mrs Robertson  
**Agent :** KJP Architecture

## Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: 83 Saughall Massie Lane, Upton, Wirral, CH49 6LZ  
Application Type: Outline Planning Permission  
Proposal: Erection of two storey dwelling house in side garden.  
Application No: OUT/03/05430  
Decision Date: 24/04/2003  
Decision Type: Approved

Location: Land West of (adj) , 83 Saughall Massie Lane, Upton, Wirral, CH49 6LZ  
Application Type: Full Planning Permission  
Proposal: Erection of a dwelling house  
Application No: APP/03/06774  
Decision Date: 09/01/2004  
Decision Type: Approved

Location: 83 SAUGHALL MASSIE LANE, UPTON, CH49 6LZ  
Application Type: Full Planning Permission  
Proposal: Conversion of current outbuilding into a separate self-contained dwelling  
Application No: APP/15/00902  
Decision Date: 18/09/2015  
Decision Type: Approved

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

Having regard to the Council's Guidance for Publicity on Planning Applications 10 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing, 15 letters of representation have been received objecting to the proposal summary of comments;

1. Overlooking
2. Out of character
3. Parking
4. Drainage
5. Loss of outlook
6. Bats within close proximity to site

An additional letter of representation was received following the applications deferral from Octobers planning committee citing concerns over the demolition of the existing outbuilding however these are not planning considerations.

CONSULTATIONS:

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

**Merseyside Fire and Rescue Service** No Objections

**Wirral Wildlife** No Objections

**Merseyside Environmental Advisory Service** No Objections

**Director's Comments:**

Consideration of this item was deferred by Planning Committee on 21 October 2016 to allow for a formal Members Site Visit to take place.

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application was taken out of delegation at the request of Councillor Whittingham on the grounds of loss of amenity.

## **INTRODUCTION**

The application proposes outline approval for the erection a single detached dwelling including matters of access and layout to the rear of No. 83 Saughall Massie lane, Upton.

## **PRINCIPLE OF DEVELOPMENT**

The application seeks consent for the erection of a residential dwelling within a Primarily Residential Area as per the Wirral UDP Proposals Map 2000, as such the proposal is considered acceptable in principle subject to the relevant policies within the adopted Wirral Unitary Development Plan and the National Planning Policy Framework (NPPF).

## **SITE AND SURROUNDINGS**

The development site in question comprises of a large regular shaped plot which features the application property and rear outbuilding. There is an existing consent to convert the outbuilding into a residential dwelling under APP/15/00902 whilst the structure adjoining this has also been converted into living accommodation.

## **POLICY CONTEXT**

The National Planning Policy Framework (NPPF) provides for a presumption in favour of sustainable development and states that proposals should be approved without delay unless the adverse impacts outweigh the benefits.

Policy HS4: Criteria for New Housing Development of the Wirral UDP 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, satisfactory provision for off-street car parking areas, the provision of appropriate landscaping and boundary treatment and adequate private or communal amenity space.

Policy HS10: Backland Development seeks proposals for between one and three dwellings behind existing dwellings to not result in detrimental change to the character of an area, undue noise, disturbance, loss of privacy or sense of enclosure affecting adjoining residents and the access being of sufficient width with adequate sight lines and visibility splays.

Supplementary Planning Guidance: SPG10 - Backland Development sets out a number of criteria for such developments.

## **APPEARANCE AND AMENITY ISSUES**

The application seeks outline consent for a detached dwelling to the rear of No. 83 Saughall Massie Lane. The application includes matters of access and layout.

The immediate vicinity is comprised of dwellings sited within large regular shaped plots. The adjoining property, No. 81 Saughall Massie Lane features a one and a half storey structure to the rear which has subsequently been converted into a single residential dwelling (No. 81a) with independent access and amenity space. No. 81a adjoins an outbuilding to the rear of the application property which benefits from consent for conversion into an independent residential dwelling under APP/15/00902. The application proposes to demolish the abovementioned structure and erect a detached dwelling to the southernmost part of the site and, in light of the above, it is therefore not considered that the proposed siting of the dwelling would significantly undermine the existing pattern and density of development and is acceptable in this respect.

In consideration of the overall design of the scheme, whilst the applicant has submitted a set of contextual elevations the external appearance and massing would be subject of a reserved matters application which would also need to address the landscaping and boundary treatment. A condition requiring samples of the finishing materials to be submitted to the Local Planning Authority has also been imposed.

In respects of neighbouring amenity, the proposed dwelling would be sited at least 21 metres from the rear of the adjacent dwellings and it is considered that, through careful orientation of habitable rooms, a dwelling could be accommodated within the site without resulting in significant overlooking.

### Other Matters

At the time of writing, 15 letters of representation were received objecting to the proposal summary of comments;

- a. Overlooking
- b. Out of character
- c. Parking
- d. Drainage
- e. Loss of outlook
- f. Bats within close proximity to site

The application seeks outline consent for a single dwelling with appearance, landscaping and scale subject to a reserved matters application. The applicant submitted a plan indicating the layout of the proposed dwelling and a set of illustrative elevations. The Local Planning Authority raised concerns about the proposal as it appeared to indicate that the proposed dwelling would be two storey and the applicant subsequently submitted a revised layout plan and set of elevations. It is therefore considered that a dwelling could be accommodated without resulting in significant overlooking.

In consideration of the character of the immediate vicinity for the reasons set out within the main body of the report the application is considered acceptable.

In respects of parking the proposal would satisfy the maximum parking standards of the Local Planning Authority whilst the Head of Environment & Regulation (Traffic and Transportation Division) has raised no objections to the proposal.

Drainage is a matter for building regulations and is not a material consideration in the determination of a planning application.

The proposal would be sited a sufficient distance away from adjacent dwellings as to not reduce outlook and is acceptable in this respect.

### **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**

There are no highway implications relating to this 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 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 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 commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To comply with the provisions of Section 92 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    and listed as follows:

**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 the 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. 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 before the building is occupied. Development shall be carried out in accordance with the approved details.

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

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. Before development commences, a scheme for the provision of bat boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved within each phase of the development shall be completed and available for use before the last dwelling within that phase is occupied.

**Reason:** In the interest of species protection having regards to policy NC7 of Wirral's Unitary Development Plan.

10. No building works are to take place during the period 1<sup>st</sup> March to 31<sup>st</sup> 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.

11. Prior to commencement of development the outbuilding to the rear of No. 83 Saughall Massie Lane shown on plan No 002 Proposed Site Plan shall be demolished.

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

**Further Notes for Committee:**

**Last Comments By:** 03/10/2016

**Expiry Date:** 11/07/2016