

Planning Committee

10 November 2016

Reference:
APP/16/01079

Area Team:
North Team

Case Officer:
Mr K Spilsbury

Ward:
**West Kirby &
Thurstaston**

Location: Heatherland Court Restaurant, 100 THURSTASTON ROAD, THURSTASTON, CH61 0HS

Proposal: Demolition of one existing dwelling and integral commercial premises and replacement with four new dwellings.

Applicant: Mr R Preston

Agent : N/A

Site Plan:



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Development Plan Designation:

Area of Special Landscape Value
Green Belt

Planning History:

Location: Heatherland Thurstaston Rd Thurstaston L610hg
Application Type: Full Planning Permission
Proposal: Alterations to kitchen, private lounge, toilets, etc.
Application No: APP/77/07378
Decision Date: 04/08/1977
Decision Type: Approved

Summary Of Representations and Consultations Received:REPRESENTATIONS:

Having regard to the Councils adopted Guidance on Publicity for Planning Applications, 11 letters of neighbour notification were issued to adjoining residents and a Site Notice displayed. At the time of writing this report 9 letters of support have been received from the occupiers of 102, 104 and 110 Thurstaston Road, Rose House Bluebell Lane, The Coach House Birkenhead Road, Benty Farm 3a School lane, Hawthorn Cottage School Lane, Conifers, 3 School Lane and 1 letter of objection from 1 School Lane stating:

1. the proximity of the bungalow to the road and the potential for overlooking of their property by the first floor bathroom window.

ITPAS concern over the design of the proposal as the original scheme was for three small dwellings running along 100 Thurstaston Road and also ask for part of the site to be allocated over to public parking to free up congestion during busy periods.

CPRE (Wirral) suggest that the proposed development will increase demand for on street car parking and as such the plot is better suited to two larger properties.

CONSULTATIONS:

Head of Environment and Regulation (Traffic and Transportation Division) – no objection subject to conditions

Head of Environment and Regulation (Environmental Health Division) – no objection.

Merseyside Fire and rescue - non planning related comments

United Utilities - No objections

Wirral Wildlife - No objection subject to conditions

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

This application is a departure from the unitary development plan and therefore under the current scheme of delegation the application must be heard before planning committee.

INTRODUCTION

The proposed development is for the demolition of the existing commercial premises and the erection of four new replacement dwellings.

PRINCIPLE OF DEVELOPMENT

The proposed development would constitute inappropriate development within the designated Green Belt under the terms of UDP Policy GB2 'Guidelines for Development in the Green Belt' which indicates that such development should not be approved except in very special circumstances. The application is a departure from the statutory Development Plan and in accordance with planning legislation should not

be approved unless material considerations indicate otherwise.

SITE AND SURROUNDINGS

The site is located on the corner of Thurstaston Road and School Lane and is currently occupied by Heatherlands Court which was formally used as a banqueting hall and function suite before the building closed down.

The site extends to an area of approximately 0.17 ha (1725m²) and is almost rectangular in shape. The site level sits approximately one meter lower than the neighbouring properties with a modest incline between the north east and south west corners of the plot.

There is a mix of commercial, farming and residential uses in the area. There are three storey, semi-detached dwelling houses immediately to the south of the site on Thurstaston Road and Daisy and Jakes children's nursery just beyond. There are three bungalows to the west of the site and farms to the north and east.

The site is currently occupied by a relatively large commercial building that has been closed for a number of years and has fallen into disrepair. The main body of the building is two storey but has been extended over the years with a number of single storey extensions. There is a large area of hard standing/carpark to the north of the building and school lane beyond.

POLICY CONTEXT

The site is designated as part of the Green Belt and an Area of Special Landscape Value in the Wirral Unitary Development Plan.

Development Plan Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The statutory Development Plan for Wirral consists of the Unitary Development Plan (UDP) saved by a Direction of the Secretary of State issued on 18th September 2007 and the Joint Waste Local Plan for Merseyside adopted on 18th July 2013.

Policies URN1, GB2, HS4, NC7, LAN1, LA1, GR5 and GR7 of Wirral Unitary Development Plan (UDP) are relevant.

Policies URN1 and GB2 - seek to protect the Green Belt from inappropriate development unless very special circumstances can be demonstrated.

Although only applicable in Primarily Residential Areas UDP Policy HS4 sets out criteria that would be relevant for ensuring new housing development would be compatible with the quality of the area.

Policy NC7- Species Protection - states that development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions.

Policy GR7 -Trees and New Development states that 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 and will require that buildings, structures and hard surface areas are sited in order to substantially preserve the wooded character of the site or of the surrounding area and provide for the protection of trees of greatest visual or wildlife value.

UDP Policy LAN1 and LA1 does not permit proposals where the visual impact on the character, appearance and landscape setting of area would be inappropriate.

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.

Material Policy Considerations

The National Planning Policy Framework (NPPF), 27th March 2012, is an important material consideration in the determination of planning applications. The Green Belt is one of the restricted areas where the presumption in favour of sustainable development does not apply. The fundamental aim is to prevent urban sprawl by keeping land permanently open.

NPPF paragraphs 215 and 216 indicate that due weight should be applied existing development plan policies according to the degree of consistency; and decision makers may give weight to relevant policies in emerging plans according to the stage of preparation; the extent of unresolved objections and the degree of consistency with the framework.

Whilst UDP Policy GB2 is in general conformity, in that new buildings are regarded as inappropriate, the list of exceptions at NPPF paragraph 89 has been updated to include 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

Policy CS3 in the Core Strategy Local Plan Proposed Submission Draft (December 2012) would continue to reflect the national requirement for the Green Belt and Policy CS11 would set a strategy to preserve and enhance the openness and landscape character of the Rural Area.

OPENNESS, APPEARANCE AND AMENITY ISSUES

The site currently comprises Heatherlands Court which was formally used as a banqueting hall and function suite with associated car parking.

The current site has planning permission for Use A3 planning consent and holds a 00.00hrs alcohol licence with a 00.30hrs entertainment licence and is serviced by a 30 space car park. Therefore, the site can be considered as previously developed land.

The applicant has worked with officers to develop an amended scheme to reduce the bulk and form of the development in relation to that originally submitted, which is considered acceptable in design terms and would complement the street scene whilst also ensuring it would not have a greater impact on the openness of the Green Belt and the character of the landscape. As such the design of the application has been amended from that originally submitted.

The floor space of the existing building is 459m² with an overall volume of 1992m³. The proposed footprint of the new dwellings is significantly less than the existing at 360m². This is 21.5% less than the existing building (99m²). The volume of the new buildings is nearly identical to that of the existing building at 1878m³, 0.6% less than the original (114m³).

The current building also incorporates a large area of hard standing located on the northern boundary of the site. This measures an area of 654m². The proposed hard standing will be significantly less than that, working out at 322m² (-332m² / - 51% less). This in turn knocks onto the proposed landscaped/garden area with the original green space working out at 612m² and the proposed at 1043m² (+486m² / +79% increase).

The existing building has had little maintenance in recent history and none since its closure in 2014. It is in a considerable state of disrepair and dereliction.

It is considered that the proposal would help significantly improve the vacant site that currently detracts from the otherwise rural setting.

The scale of development including the associated development of the land would have no greater impact on openness of the Green Belt than the buildings it replaces and the overall foot print will be significantly reduced. Not only will the proposed housing represents a significant reduction in the amount of built form but will also reduce continuous built form of the existing building when viewed from School Lane. This is considered to improve the openness of the site.

In terms of building bulk and floor space, there would be a considerable reduction in building volume and thereby proportionate improvements to the openness of the Green Belt.

In terms of impact on the character of the area, the houses would be sited so as not to intrude into open countryside and the proposed landscaping would provide additional screening of the site in views from the Thurstaston Road and School Lane. Should members be minded to approve the application a condition to secure appropriate landscaping can be applied.

It is considered that the removal of the existing building and redevelopment of the site with housing will improve the openness and the character of the area through the reduction in activity on the site, notably the change in traffic generation from predominantly commercial related traffic associated with a licenced premises including taxis and coaches as well as commercial vehicles providing the licenced premises with food and drink deliveries to a much lesser volume of domestic traffic.

Consultation responses

At the time of writing this report 9 letters of support have been received from the occupiers of 102, 104 and 110 Thurstaston Road, Rose House Bluebell Lane, The Coach House Birkenhead Road, Benty Farm 3a school lane, Hawthorn Cottage School Lane, Conifers, 3 School Lane and 3 letters of objection from 1 school Lane ITPAS and CPRE.

The occupier of 1 school has concerns over the proximity of the bungalow to the road and the potential for overlooking of their property by the first floor bathroom window. It is considered that as there is a large hedge row running along the boundary the location of the bungalow will have little impact on the amenities of the neighbouring property. Following discussions with the applicant the application has been pushed back within the site. Having regards to the potential for overlooking, the windows are right angles to the neighbouring site 1 School Lane and as such will offer limited views of the adjoining site however should members be minded to approve the application the proposed bathroom window will be conditioned to be fixed and obscurely glazed to 1.7m to prevent any overlooking.

Concerns by ITPAS relate to the design of the proposal as the original scheme was for three small dwellings running along 100 Thurstaston Road. This has now been amended as the design of the dwellings now replicates the scale and form of those surrounding the site. ITPAS also ask for part of the site to be allocated over to public parking to free up congestion during busy periods. This is not considered feasible as this would erode the open appearance of the green belt and as such the corner would be better suited to being landscaped.

CPRE (Wirral) suggest that the proposed development will increase demand for on street car parking and as such the plot is better suited to two larger properties. The Head of Environment and Regulation (Traffic and Transportation Division) has raised no objection to the development in terms of highway safety or parking. A refusal on this basis could therefore not be sustained.

Having regards to UDP Policies LAN1 and LA1 - Protection for Areas of Special Landscape Value it is considered that the character and appearance of area would not be adversely affected. The proposed scheme would be less intrusive than the existing building, especially when viewed along School Lane. The development will not result in the loss or erosion of distinctive landscape features and should members be minded to approve the scheme a landscaping and boundary treatment condition will be applied to enhance the existing soft landscaping.

In terms of UDP Policy NC7- Species Protection, the applicant has submitted a habitat report that has been verified by Wirral Wildlife. It is considered that there will be no adverse impact on protected species and should members be minded to approve the scheme suitably worded conditions will be imposed to ensure all protected species are protected.

SEPARATION DISTANCES

Habitable room windows directly facing each other should normally 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 proposed development has achieved the required separation distances through the design of the

properties and the positioning of habitable and non habitable windows.

HIGHWAY/TRAFFIC IMPLICATIONS

It is not considered that there are significant highway issues. The Head of Environment and Regulation (Traffic and Transportation Division) has raised no objection to the development subject to conditions

ENVIRONMENTAL/SUSTAINABILITY/HEALTH ISSUES

There are no significant environmental, sustainability or health implications.

CONCLUSION

Whilst the proposed development is a departure from the current UDP, the list exceptions to general presumption against inappropriate development has been updated in NPPF paragraph 89 to include re-development of brownfield sites, provided there is no greater impact on the openness and purposes of the Green Belt.

In this particular case, it is considered that proposed development would have no greater impact on openness of the Green Belt than the buildings it replaces and the overall foot print will be significantly reduced. The proposed housing would result in a significant reduction in the amount of the current built form and would reduce the continuous built form of the existing building when viewed from School Lane. This is considered to improve the openness of the site.

The proposed development is not considered to have a detrimental impact to residential amenity or result in a detrimental impact upon the landscape character of the area. Having regard to all the relevant policies in the Unitary Development and taking account of all the relevant material considerations, including national planning policy and guidance and the Core Strategy Local Proposed Submission Draft (2012), it is recommended that planning permission be granted with attached conditions..

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 and guidance and the Core Strategy Local Proposed Submission Draft (2012). In reaching this decision the Local Planning Authority has considered the following:-

Whilst the proposed development is a departure from the current UDP, the list exceptions to general presumption against inappropriate development has been updated in NPPF paragraph 89 to include re-development of brownfield sites, provided there is no greater impact on the openness and purposes of the Green Belt.

In this particular case, it is considered that proposed development would have no greater impact on openness of the Green Belt than the buildings it replaces and the overall foot print will be significantly reduced. The proposed housing would result in a significant reduction in the amount of the current built form and would reduce the continuous built form of the existing building when viewed from School Lane. This is considered to improve the openness of the site.

The proposed development is not considered to have a detrimental impact to residential amenity or result in a detrimental impact upon the character of the area.

It is, therefore, recommended that planning permission be granted with attached conditions.

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 25th October 2016 and listed as follows: 1402/1.2/P2 (Dated 10.2016), 1402/1.3A/P2 (Dated 10/2016), 1402/1.4D/P2 (Dated 10/2016) & 1402/1.3B/P2 (Dated 10/2016)

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 GB2, LAN1 and LA1 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 Policies 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 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 Policies WM9 of the Waste Local Plan.

6. In order to protect habitats of special local importance for nature conservation:

- a. Construction work shall only take place between 8am and 6pm.
- b. Any holes or trenches left open overnight must have a means of escape provided.
- c. All construction materials, especially those containing lime, must be stored so that badgers cannot access them, and to the front of the house, not the rear.
- d. When fencing to the garden is installed, access shall be left for the badgers to move around between gardens.
- e. No fires to be lit in the vicinity of the sett
- f. No heavy plant or machinery to be driven or used in the vicinity of the sett
- g. Any obvious badger paths to be left clear of obstruction
- h. The boundary fences allow for the free movement of badgers

Reason: To protect the presence of Badgers on the site having regards to Policy NC7 of Wirral's UDP

7. 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.

8. 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 GR5 of the Wirral Unitary Development Plan.

9. Prior to the commencement of the development a full scheme of works for the reinstatement of standard footway levels of any existing vehicular access from the highway that are rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme. The approved scheme shall be maintained as such thereafter.

Reason: In the interest of highway safety.

10. Notwithstanding the approved plan details of the proposed hardstandings of the properties fronting onto Thurstaston Road shall be submitted to and agreed in writing with the Local Planning Authority. The hard standings shall be enlarged so that it is possible for a vehicle to enter and exit the site in a forward gear. The approved scheme shall be implemented in full prior to first occupation and retained as such thereafter.

Reason: In the interest of Highway Safety.

11. Before the development hereby permitted is brought into use the first floor window serving the bathroom in the rear elevation of the bungalow adjacent to 1 school Lane shall be fixed and obscurely glazed with frosted glass up to 1.7m above finished floor level and shall be retained as such thereafter.

Reason: In the interest of amenity having regards to Policy HS4 of Wirral's Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 14/09/2016

Expiry Date: 27/09/2016