

# Planning Committee

16 February 2017

**Reference:**  
**OUT/16/01466**

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

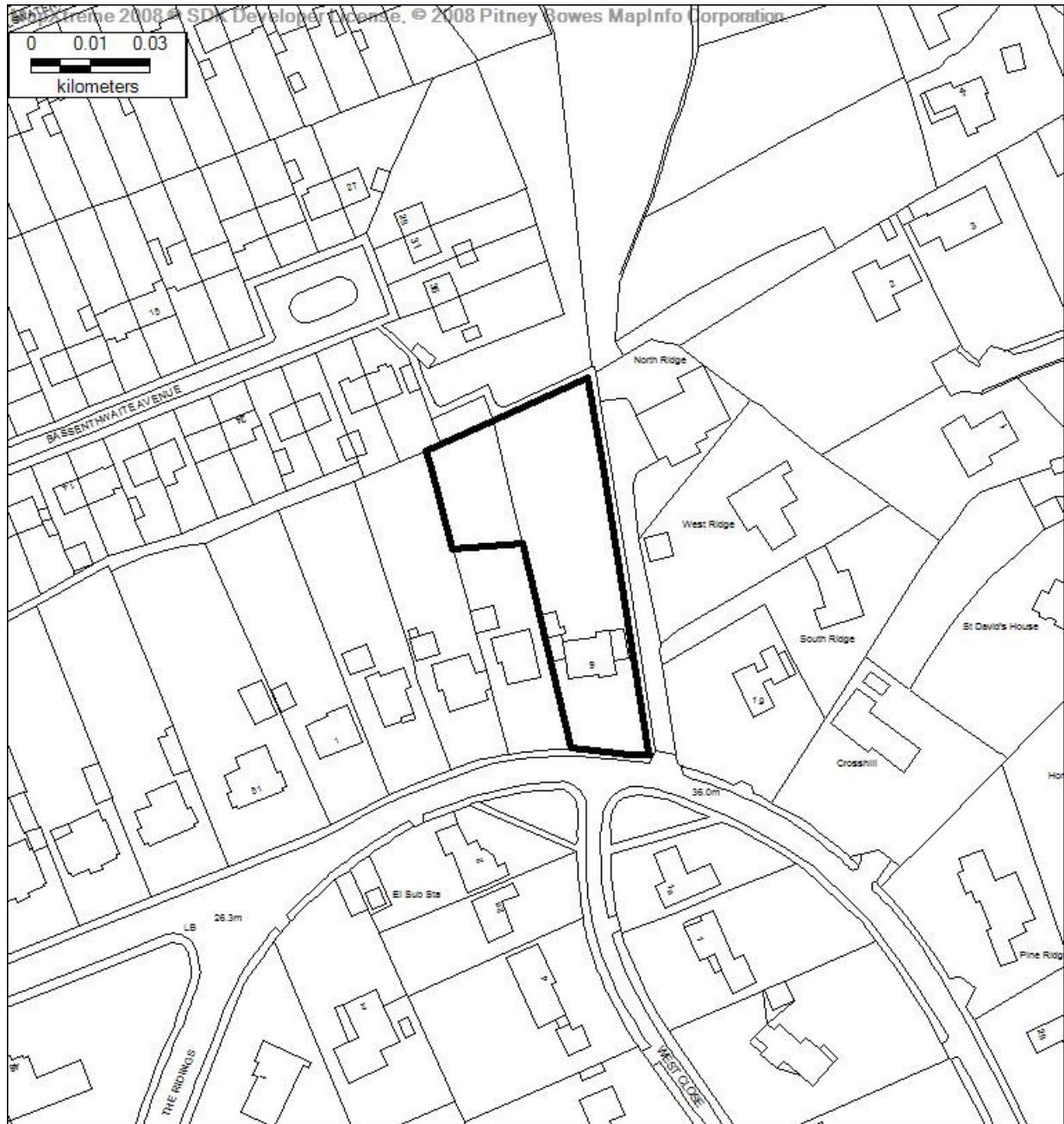
**Case Officer:**  
**Mr N Williams**

**Ward:**  
**Claughton**

**Location:** Rear of 7 & 9 WEST ROAD, NOCTORUM, CH43 9RP  
**Proposal:** Demolition of existing property at 9 West Road and development of 3 new residential dwellings (Outline)

**Applicant:** Mr N Deplidge  
**Agent :** SHACK Architecture Ltd

## Site Plan:



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**Development Plan designation and policies:**

Primarily Residential Area

**Planning History:**

Location: Rear of 7 & 9 WEST ROAD, NOCTORUM, CH43 9RP  
Application Type: Outline Planning Permission  
Proposal: Demolition of existing property at 9 West Road and development of 4 new residential dwellings (Outline)  
Application No: OUT/16/00600  
Decision Date: 05/08/2016  
Decision Type: Refused

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

Having regard to the Council's Guidance for Publicity on Planning Applications, 23 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been a petition of objection containing 48 signatures together with 12 individual objections received. The objections can be summarised as:

1. Existing house is of good quality and should be retained;
2. Loss of privacy;
3. Overcrowded and out of character;
4. Overbearing;
5. Impact on wildlife from loss of trees;
6. Highway safety concerns;
7. Future issues servicing the site;
8. Development could set a precedent;
9. Noise

Councillor George Davies requested that the application was taken out of delegation and referred to Planning Committee, on the basis that he has great concerns over highways issue due to the siting 'on a very dangerous bend and backland development changing the character of the area'.

**CONSULTATIONS:**

**Environmental Health** - No objection

**Highways** - No objection subject to conditions

**Director's Comments:**

Consideration of this application was deferred at Planning Committee on 18 January 2017 to allow for a formal Member's Site Visit to take place.

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor George Davies requested that the application was taken out of delegation, and a qualifying petition of objection was also received.

**INTRODUCTION**

This is an outline application for the demolition of the existing house at 9 West Road, and the erection of three detached dwellings, including on part of the rear garden of 7 West Road. There will be one dwelling on the front of the site, replacing the existing 9 West Road, and two dwellings in the rear garden area.

The application seeks approval for the layout and access at this stage, with scale, appearance and landscaping reserved for subsequent approval.

**SITE AND SURROUNDINGS**

9 West Road is a two-storey, detached dwelling located within a Primarily Residential Area. It is located

towards the northern end of West Road, as it turns into Beryl Road.

## **POLICY CONTEXT**

The erection of new dwellings on this site is subject to Wirral UDP Policy HS4: Criteria for New Housing Development. Policy HS4 aims to safeguard the quality of the residential environment and ensure development brings positive benefits by requiring proposals to fulfil all of its criteria, which requires new housing developments to be of a scale which relates well to the surrounding property with particular regards to existing density and form, not result in a detrimental change to the character of the area, have satisfactory accesses, services, parking arrangements, appropriate landscaping and boundary treatment, private and/or communal garden space, accessible public open space and reduce the likelihood of crime.

Wirral UDP Policy HS10: Backland Development and Supplementary Planning Guidance 10: Backland Development are also particularly relevant in this case, and provide further requirements relating to the character of area, garden space and access widths for the development in the rear gardens of existing properties.

UDP Policy GR7 and SPG17 sets out the criteria for assessing the protection to be given to the trees within the site, which intend to preserve the wooded character of the site with regard to the visual quality and value for nature conservation.

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. There is now a presumption in favour of sustainable development which should be approved without delay unless the adverse impacts of doing so outweigh the benefits. The Government makes it clear that good design is a key aspect of sustainable development and that development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions should be refused (NPPF paragraphs 56 & 64).

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.

## **APPEARANCE AND AMENITY ISSUES**

The existing property at 9 West Road has no special design features or historical interest and the principle of its demolition is therefore considered to be acceptable. The demolition of this existing property is required in order to provide an access road which is of a sufficient width, and which is a sufficient distance from the main side elevation of the dwelling located at the front of the site. On the basis that there will be no windows on the main side elevation of this new replacement dwelling, the access road being more than 4 metres away complies with the requirements of SPG10.

A planning application (OUT/16/00600) for a total of four new dwellings (which included three in the rear garden area) was refused recently on the basis that the proposed development of four dwellings on the site would introduce a relatively intensive form of development that would appear cramped in relation to the open character of the area, whilst the noise and disturbance from vehicle movements was also a concern.

The current scheme has reduced the number of dwellings to the rear from three to two. Whilst this is only a reduction of one dwelling, the result is less intensive and will result in less vehicle movements than the scheme that was previously refused. It also results in the two dwellings to the rear being set on larger plots. Whilst the plot sizes of these dwellings will be smaller than some in the area, they will be consistent with other plots in the wider area, such as Bassenthwaite Avenue to the north and Avalon Close further into Noctorum. Each dwelling is a good sized, detached property with sufficient rear garden area and as such, it is not considered that the proposal would be an overdevelopment of the site. In addition, the proposed replacement dwelling at the front of the site will retain the character of the immediate area west of the site, with detached properties fronting West Road. The introduction of a new vehicular access is unlikely to have a significant impact upon the character of the area.

The length of West Road (which turns into Beryl Road) to the west of the application site has a consistent building line, with dwellings fronting the road with long rear gardens. However, the application site is located towards the eastern end of this row, where the road bends southwards and the pattern of development does not follow a traditional building line, with houses set to the rear of others being fairly commonplace. This is especially the case in the Noctorum Ridge, which the site effectively borders. Indeed, the site adjacent to the application site also contains three dwellings accessed via a private drive off West Road with a further dwelling fronting the site - this is similar to the proposed layout. It is therefore considered that the proposed development would not appear particularly out of character within the immediate area.

The layout of the development is to be assessed at this stage, so the location of each of the three dwellings must be considered. The proposed layout demonstrates that the dwellings are sited so as to comply with required separation distances - with a minimum of 21 metres between habitable windows (the minimum achieved with surrounding properties is 28m), and 14 metres from neighbouring habitable windows to proposed blank elevations (the minimum achieved is 14m to the property North Ridge, to the east of the site, which is set higher than the application site). In addition, there will be a minimum distance of 10 metres from first-floor windows to all existing boundaries with private garden areas.

The site is not covered by a Tree Preservation Order, and a large number of trees have recently been cleared from the site. However, there will be a significant number of trees retained - notably around the periphery of the site, which will result in the site largely retaining its appearance of heavy tree cover. Conditions have been attached to protect these trees during the construction works.

#### **SEPARATION DISTANCES**

Separation distances are dealt with in more detail above.

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

The creation of an access for four dwellings will replace the existing access to 9 West Road. This new access is on the outside of the bend is unlikely to result in significant highway safety issues which would warrant refusal of the application.

#### **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**

Overall, it is considered that the proposed development will not harm the character of the area or the amenities of neighbouring properties and therefore complies with Wirral Unitary Development Plan Policy HS4 and HS10, Supplementary Planning Guidance 10 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 proposed development will not harm the character of the area or the amenities of neighbouring properties and therefore complies with Wirral Unitary Development Plan Policy HS4 and HS10, Supplementary Planning Guidance 10 and the National Planning Policy Framework.

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

#### **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. NO DEVELOPMENT SHALL COMMENCE ON SITE UNTIL details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.
  - (a) The **scale** of the development;
  - (b) The external **appearance** of the development; and
  - (c) The **landscaping** of the site;

The development shall be carried out in accordance with the approved details.

**Reason:** To enable the Local Planning Authority to control the detail of the development and to comply with Section 92 of the Town and Country Planning Act (as amended).

3. Before any construction commences, samples of the 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 development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th November 2016 and listed as follows: 217-B100; 217-B101 Rev F

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

5. Construction of the development authorised by this permission shall not begin until the Local Planning Authority (LPA) has approved in writing a full scheme of works for the construction of the new vehicle access from the highway and any amendments to the existing highway made necessary by this development, including details of the new vehicle crossing access constructed in accordance with the LPA commercial crossing specification and the reinstatement to standard footway level of any existing access from the highway rendered obsolete by the development. The approved works shall be completed in full in accordance with the LPA written approval prior to occupation of the development

**Reason:** In the interests of highway safety

6. No works or development shall take place until a scheme for the protection of the retained trees - The Tree Protection Plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the Local Planning Authority. This scheme shall include:
  - A. the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.
  - B. a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - C. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological,

hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

- D. written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.

An arboricultural method statement (section 6 BS 5837) containing;

- E. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- F. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).
- G. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).
- H. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).
- I. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- J. the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- K. the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).
- L. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction (section 7.4 BS 5837)
- M. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- N. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- O. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).
- P. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).
- Q. the timing of the various phases of the works or development in the context of the tree protection measures"

**Reason:** In the interest of protecting trees which are considered to contribute to the visual amenities of the area having regard to Policy GR7 of the Wirral Unitary Development Plan.

- 7. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the Local Planning Authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

The tree protection measures shall not be dismantled until all construction related machinery

and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

**Reason:** In the interest of protecting trees which are considered to contribute to the visual amenities of the area having regard to Policy GR7 of the Wirral Unitary Development Plan.

8. The following activities must not be carried out under any circumstances:
- a. No fires to be lit within 20 metres of existing trees and shrubs to be retained.
  - b. Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
  - c. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
  - d. No builders debris or other materials to be stored within the Root Protection Areas.
  - e. No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be a used and located not within 10 metres of any Root Protection
  - f. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
  - g. No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

**Reason:** In the interest of protecting trees which are considered to contribute to the visual amenities of the area having regard to Policy GR7 of the Wirral Unitary Development Plan

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.

11. 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 and WM9 of the Waste Local Plan.

12. 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 previous 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 EM9.

**Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works shall be undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. The submission of a Section 50 Highway Opening Notice is required prior to the commencement of any works on the adopted highway. You should contact the Council's Highway Management Team via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of development for further information.

**Last Comments By:** 07/12/2016

**Expiry Date:** 30/12/2016