

Planning Committee

15 February 2018

Reference:
APP/17/01009

Area Team:
North Team

Case Officer:
Mr K Spilsbury

Ward:
Liscard

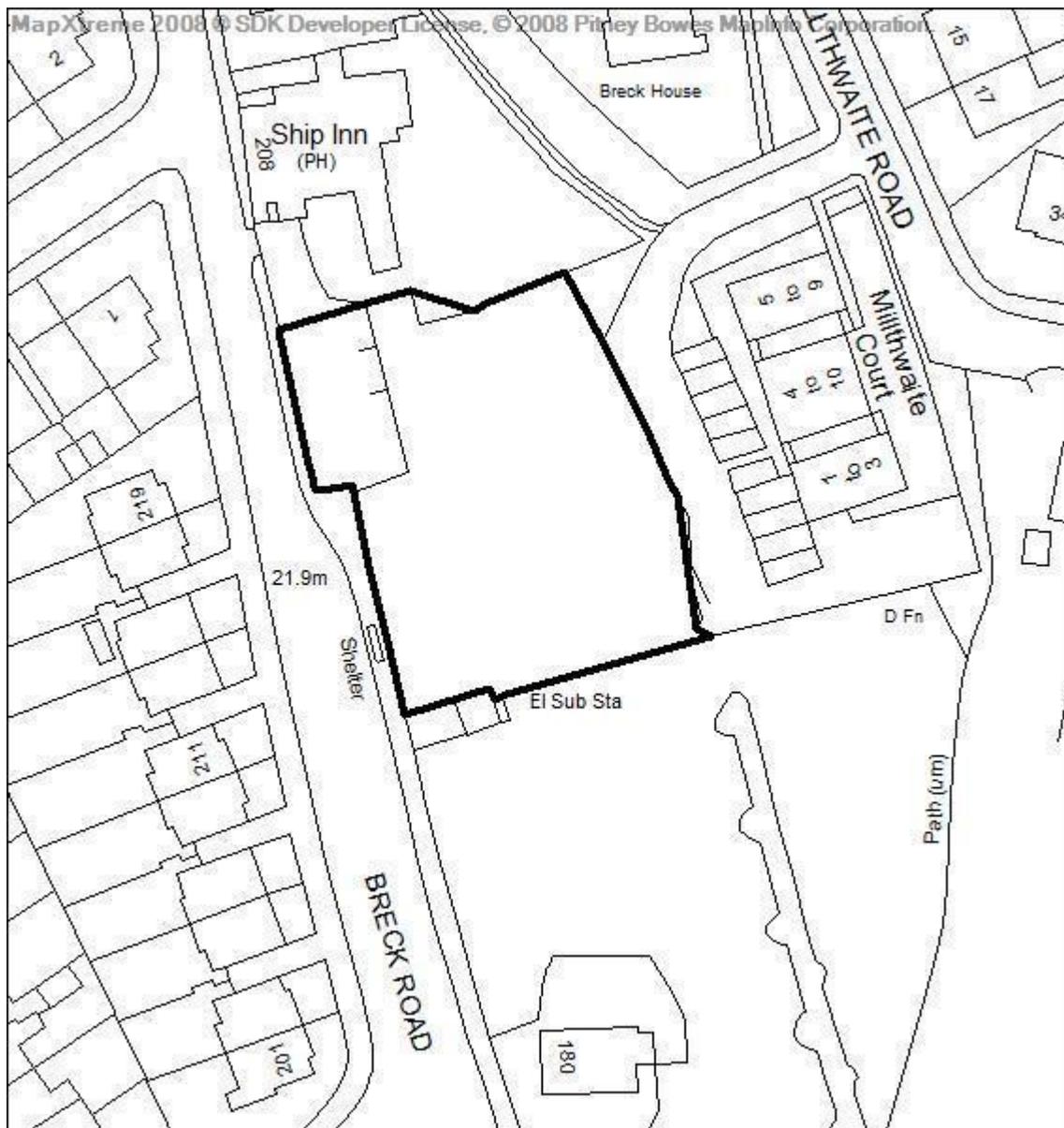
Location:
Proposal:

The Ship Inn, 208 BRECK ROAD, WALLASEY VILLAGE, CH44 2ED
Erection of 9 new dwellings and associated landscaping on land adjacent to the former Ship Inn, Breck Road, Wallasey.

Applicant:
Agent :

Leftfield Investment Holdings Ltd.
NC Architecture

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: The Ship Inn, 208 BRECK ROAD, WALLASEY VILLAGE, CH44 2ED
Application Type: Full Planning Permission
Proposal: Change of use from existing public house with manager's flat above (A4 & C3), to single dwelling house (C3). Demolition of single-storey side extension, replace pitched roof to rear with flat roof terrace and partial demolition of existing outhouse buildings (amended plan received).
Application No: APP/17/00674
Decision Date: 16/08/2017
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Planning Applications, 32 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing 12 representations have been received, 11 objections and 1 qualifying petition of objection. The objections are listed as follows and addressed below:

1. The height of the proposed dwellings will result in rear gardens being overlooked and loss of privacy to the neighbouring flats
2. Loss of value of adjoining properties
3. Loss of trees and impact upon wildlife
4. Development is overbearing (over development), out of scale and character compared with the surrounding properties
5. The development will result in increased parking in the local area- insufficient parking on site
6. Development will result in traffic concerns as this is already a busy road occupied by a large school and as such there are a lot of pedestrians/cars - history of accidents.
7. The site is adjacent to an archeological site
8. Impact upon surrounding properties during the construction period
9. Loss of view of the woods
10. Is there a right of way or TPO on the site?
11. it is unclear if there is a terrace or balcony at the rear of the site?
12. stability of the land may be compromised

CONSULTATIONS

Highways - No objection.

Environmental Health No Objection

Wirral Wildlife - No Objection

DIRECTORS COMMENTS:

The application was deferred from Planning committee on 18th January 2018 to allow for a members site visit.

REASON FOR REFERRAL

A qualifying petition of objection has been received. In accordance with the scheme of delegation the application must be heard at committee.

INTRODUCTION

The proposed development is for the erection of 9 dwellings with associated landscaping, parking and vehicular access.

PRINCIPLE OF DEVELOPMENT

The site is located within a primarily residential area in accordance with Wirral's Unitary Development Plan (UDP) and as such the erection of houses is acceptable in principle.

SITE AND SURROUNDINGS

The site is made up of a former car parking area associated with the former Ship Inn and area of wooded land located to the rear. The public house lies to the north of the site and is rendered white. Planning consent has recently been granted for the change of use of the public house to a single dwelling - APP/17/01148.

Surrounding properties include two storey semi-detached housing opposite, four storey apartments at the rear as well as large detached dwellings, a sandstone cottage, bungalows and Weatherhead Highschool further to the south of Breck Road.

The Breck (urban greenspace) lies to the south east of the site. The rear parcel of land that forms part of the development site although wooded with predominantly self seeded trees does not fall within that land use allocation but is primarily residential in accordance with the Wirral UDP.

Wallasey Village lies to the north of the site where there are a shops, transport links (two train stations), schools, doctors surgeries and a library.

POLICY CONTEXT

Wirral's Unitary Development Plan (UDP)

The application site is designated within Wirral's Unitary Development Plan (UDP) for Primarily Residential Purposes. As such, the principle of development is acceptable, subject to consideration of UDP Policy HS4, GR5, GR7 PO7 & NC7, the NPPF and any other material considerations.

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.

Policy HS4 of the Wirral Unitary Development Plan establishes a number of criteria that must be met if new housing development is to be permitted, as follows:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;
- (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;
- (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and
- (vii) the provision of adequate individual private or communal garden space to each dwelling.

The policy also states all proposals whose main elevations are parallel to other residential properties, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should 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.

Currently the site is split into two distinct sections, the former car park of the Ship Inn and a small

copse of trees. The whole of the site is designated primarily residential within the Wirral Unitary Development Plan. To the side and rear of the site is the Breck Recreation Ground (Land designated as Urban Green Space).

In terms of trees policy GR7 - Trees and New Development is directly relevant as there are a number of trees along the eastern edge of the site that are protected by tree preservation orders. The policy states: 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:

- (i) substantially preserve the wooded character of the site or of the surrounding area;
- (ii) provide for the protection of trees of greatest visual or wildlife value and other vigorous healthy trees;
- (iii) ensure that trees to be retained have adequate space in order to prevent damage to their canopy or root structures during construction and to allow for the future growth of canopy and roots to normal mature sizes;
- (iv) prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms, secure an open unshaded garden area, or to remove perceived dangers to life and property; and
- (v) protect trees on adjacent land which may be affected by the development proposed;

As concerns have been raised by residents over the stability of the land Policy PO7 - Development on Unstable Land is relevant. This states: Where development proposals are on or near land which is suspected or known to be unstable the Local Planning Authority will request additional information from the applicant in order to assess whether the land is suitable for the development proposed and whether any instability can be adequately overcome.

In addition as the copse of trees present a potential habitat of protected species policy NC7 Species Protection is also directly relevant. This states:

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 and/ or planning obligations.

In accordance with the Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton 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 can be imposed to ensure this is achieved.

National Policy (National Planning Policy Framework)

NPPF establishes a positive presumption in favour of sustainable development, sustainable development being defined by paragraphs 18 to 219 of the NPPF, taken as a whole. It is a core principle that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants.

The site is accessibly located within the urban area, accessible and well provided for by transport infrastructure and local services including shops and cafes, schools and a library in Wallasey Village. Bus services and train stations on are within easy walking distance of the site.

APPEARANCE AND AMENITY ISSUES

The proposed development is for the erection of 9 contemporary dwelling houses, in three blocks, 3 fronting onto the road and 6 (two blocks of 3) set back into the landscape. Properties have front balconies at second floor to maximise the views west towards the M53, Leasowe and the Irish Sea beyond.

It is considered that the development makes effective use of the land within a sustainable location. The proposal for 9 residential units would achieve appropriate spacing and provision of sufficient private amenity space. Due to the topography of the land the development will appear three storey at

the front on Breck Road and two storey at the rear with an excavated courtyard, terraced deck area above at ground floor level. As there is a mix of architectural design in the area the proposed modern design is deemed appropriate to its setting. Surrounding properties include two storey semi-detached housing opposite, four storey apartments at the rear as well as large detached dwellings, a sandstone cottage, bungalows and Weatherhead Highschool which has its own unique modern form.

It is considered that the change in materials successfully deals with the two distinct characters of the site. The white rendered units 1-3 tie into the built form of the neighbouring public house and surrounding residential housing stock whilst the wooden cladding on units 4 - 9 softens the appearance of the dwellings when seen against the back drop of the trees, almost disguising the properties and blending them into the landscape.

Concerns raised by objectors

At the time of writing 12 representations have been received, 11 objections and 1 qualifying petition of objection. The objections are listed as follows and addressed below:

1. The height of the proposed dwellings will result in rear gardens being overlooked and loss of privacy to the neighbouring flats
2. Loss of value of adjoining properties
3. Loss of trees and impact upon wildlife
4. Development is overbearing (over development), out of scale and character compared with the surrounding properties
5. The development will result in increased parking in the local area- insufficient parking on site
6. Development will result in traffic concerns as this is already a busy road occupied by a large school and as such there are a lot of pedestrians/cars - history of accidents.
7. The site is adjacent to an archeological site
8. Impact upon surrounding properties during the construction period
9. Loss of view of the woods
10. Is there a right of way or TPO on the site?
11. it is unclear if there is a terrace or balcony at the rear of the site?
12. stability of the land may be compromised

Having regards to the setting of the development the Council consider that it is essential to preserve the overall wooded character and feel of the area whilst also accommodating the need for residential development within the residential area of Wallasey. As such the trees running along the front of the site behind the sandstone wall (along Breck Road) have been retained as far as possible and enhanced with additional soft landscaping. In addition an arboricultural impact assessment has been carried out at the request of the LPA which in turn has been assessed by the arboricultural officer.

The proposal looks to retain a large section of mature trees at the front of the site as well as introducing soft landscaping and additional tree planting at the rear of the site along the boundary with Millthwaite Court. Whilst there is a tree preservation order running along the eastern boundary, a number of the trees have already been removed prior to the submission of the application. The proposed scheme will result in additional tree planting along this boundary to enhance the provision. Most of the trees to be removed within the core of the site are not protected. The Arboricultural officer has assessed the scheme and has confirmed that the majority of trees that are to be removed to facilitate the development are of low value and the mitigation measures including the replacement tree planting scheme will enhance the overall quality of trees and thereby help to preserve the semi wooded character of the area.

As there are a number of level changes in and around the site it is not considered that the development will have any sort of adverse impact upon the flats - Millthwaite Court at the rear of the site. Contextual elevations of the proposed dwellings and the surrounding properties as well as sections through the site provide valuable details of how the properties interact with the existing neighbouring buildings. Separation distances between the flats and the properties opposite the site are in excess of the councils standard separation distances. In addition the changes in level between adjoining sites will ensure Millthwaite Court will maintain its outlook over the roof of the proposed dwellings.

The closest properties to the dwellings located on the opposite side of Breck Road are located in

Block B. These dwellings maintain a 21m separation distance from the neighbours. There is a raised terrace proposed at second floor and due to the height of the proposed balustrade the view will be over the roof tops of the lower dwellings as demonstrated in the cross section drawing P-251 REV 01.

In terms of ecology, the extended phase 1 habitat survey findings suggest that there will be no harm to protected species or sites. This has been verified by Wirral Wildlife, who states that whilst some of the woodland will be lost to development this part is of less value than the areas that will be retained. Conditions for tree protection fencing as well as for conditions for the protection of nesting birds will be required and as such should members be minded to approve the scheme will be added to the approval.

As highlighted above, the scale and design of development is seen as appropriate to the site, maximising a partially developed site within a residential area for housing. In terms of the design, this has been agreed with the LPA as an acceptable solution to the mixed character of the area and in accordance with the National Planning Policy Framework, stating that development should make good use of land. The National Planning Policy Framework is also relevant, in which there is a presumption in favour of sustainable development, which this site is, as it is within walking distance of shops, services and schools and has good transport links to local bus routes (bus stop virtually outside site) and within walking distance of two train stations.

Having regards to the other objections loss of value, loss of view and the construction issues are not planning matters and cannot be taken into consideration in the determination of this planning application. However should members be minded to approve the application a condition for a construction management plan will be imposed. There is no information before me to suggest that the land is unstable, however following consultation with building control it has been confirmed that the site is formed on sandstone and may be stable for development. However should members be minded to approved the application a condition for a geo-technical survey can be imposed to ensure this is confirmed.

The site is not archaeologically important in accordance with the UDP proposals maps and there is no right of way through the site. Issues relating to highways, traffic safety and parking are dealt with below.

SEPARATION DISTANCES

As stated above separation distances are deemed acceptable in this instance. The layout of the site and topography of the land ensures that outlook and privacy will be preserved.

HIGHWAY/TRAFFIC IMPLICATIONS

The Engineers Department has been consulted on this scheme and has not raised any objections having regards to parking, highways safety or capacity. Due to the changes in levels of the site and the adjoining highway the access road into the site that is proposed by the architect is very steep and as such deemed unsuitable. However should members be minded to approve the scheme the Engineers Department have agreed that this can be addressed through condition to ensure the cross fall on the footway and the vehicle crossing is no steeper than 1 in 40 to ensure highway safety. Concerns raised above over highway safety, increased parking in the local area and increased traffic on Breck Road are not deemed sufficient to warrant refusal of the scheme.

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

In conclusion, the development of this site is considered to be acceptable. The proposed layout and design are considered to acceptable and will result in a development which does not harm the character or appearance of the area. As such, the proposal complies with Wirral Unitary Development Plan policies HS4, GR5, GR7, PO7 & NC7 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 development of this site is considered to be acceptable. The proposed layout and design are considered to acceptable and will result in a development which does not harm the character or appearance of the area. As such, the proposal complies with Wirral Unitary Development Plan policies HS4, GR7, NC7 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. 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.

3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14th August 2017 and listed as follows: 2717 P-150 Rev 00 (Dated 08.17), 2717 P-151 Rev 01 (Dated 08.17), 2717 P-152 Rev 01 (Dated 08.17), 2717 P- 250 Rev 01 (Dated 11.17), 2717 P-251 Rev 01 (Dated 08.17), 2717 P- 252 Rev 02 (Dated 12.17), 2717 P- 253 Rev 01 (Dated 08.17), UG_11533_LAN_DRW_HL_L01 Rev P01 (Dated 11.08.17), UG_11533_LAN_DRW_HL_L02 Rev P02 (Dated 11.08.17), UG_11533_LAN_DRW_HL_L03 Rev P02 (Dated 11.08.17), UG_11533_ARB_TPP_02 Rev P02 (Dated 02.08.17) , UG_11533_ARB_TRP_02 Rev P02 (Dated 02.08.17), UG_11533_LAN_DRW_GA_L01 Rev P02 (Dated 30.11.17),

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

4. 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.

5. 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 LPA. 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.

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

D. 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.

E. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).

F. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).

G. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).

H. 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.

I. 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)

J. 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).

K. 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)

L. 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.

M. 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.

N. 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).

O. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).

P. the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To protect trees which are of significant amenity value having regards to Policy GR7 of Wirral's UDP

6. 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.

7. 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 Policy WM9 of the Waste Local Plan.

8. 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 noise, 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.

9. No development shall commence until details of works to provide vehicle accesses and a 2m wide footway between the site and Breck Road have been submitted to and approved in writing by the Local Planning Authority. For the benefit of doubt, the crossfall on the footway and vehicle crossings shall not be steeper than 1 in 40. The works shall be completed in accordance with the approved details prior to first occupation of the development hereby approved and retained as such thereafter.

Reason: Having regards to highway safety in accordance with Policies HS4 and TR9 of the Wirral UDP

10. Prior to commencement of development a geotechnical land survey shall be carried out in order to assess the stability of the land. The survey shall be submitted to and agreed in writing with the local planning authority prior to commencement and the agreed findings implemented in full.

Reason: In order to assess the impact of the development on the land in accordance with Policy PO7 of the Wirral UDP.

Last Comments By: 22/09/2017 14:15:15
Expiry Date: 09/10/2017

