

Planning Committee

22 March 2018

Reference:
OUT/15/00249

Area Team:
North Team

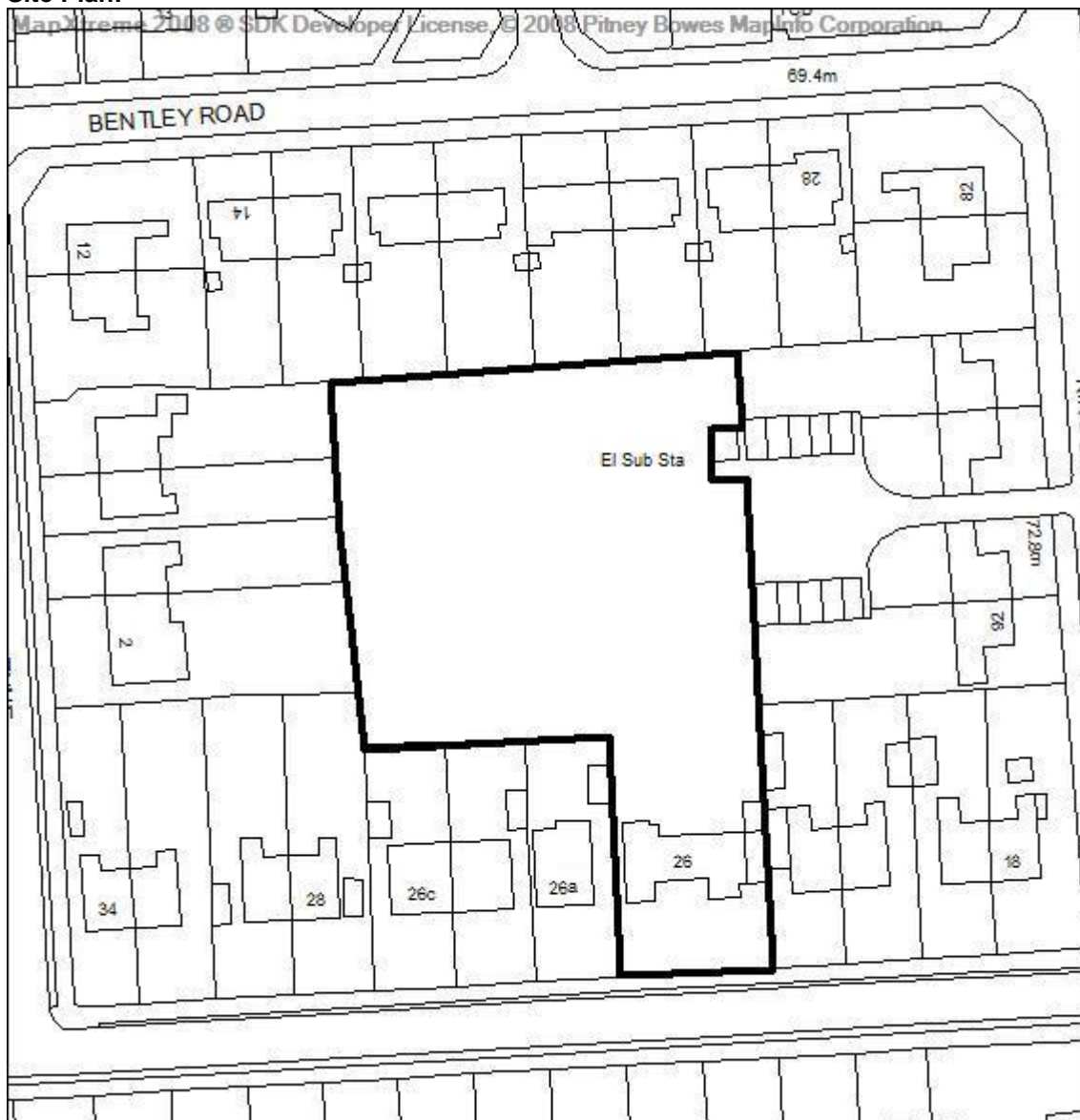
Case Officer:
Mr K Spilsbury

Ward:
**Pensby and
Thingwall**

Location: Land at 26 CORNELIUS DRIVE, IRBY, CH61 9PR
Proposal: Demolition of existing bungalow, formation of vehicular access onto land, erection of ten dwellings

Applicant: Mr John Rixon
Agent : C W Jones

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

There is no relevant planning history.

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

Having regard to the Council's Guidance on Publicity for Planning Applications, 36 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing this report 19 objections have been received as well as 2 separate petitions of objection. The objections are summarised as follows:

1. noise pollution
2. eye sore at rear of my property
3. impact upon property prices
4. impact upon wildlife in the area
5. loss of trees
6. parking, highway impact and possible congestion
7. Over-development of the site, development inappropriate and out of character
8. inconvenience and disruption
9. security risk and loss of privacy
10. Boundary dispute exists between resident adjacent to the site and the applicant

Councillor Brightmore and Councillor Sullivan have requested the application be taken out of delegation due to the concerns of local residents

CONSULTATIONS

Highways - No objection.

Environmental Health No Objection

Wirral Wildlife - No Objection

Merseyside Fire and Rescue - No planning related comments

United Utilities - No Objection

DIRECTORS COMMENTS:

This application was deferred from Planning Committee on the 15th February 2018 to enable a site visit to take place.

REASON FOR REFERRAL

Councillor Brightmore and Councillor Sullivan have requested the application be taken out of delegation due to the concerns of local residents, in addition two qualifying petitions of objection have been received.

INTRODUCTION

The proposed development is for the demolition of the existing bungalow, the formation of vehicular access onto land and the erection of ten dwellings. The application is outline however the only matter that is reserved is landscaping. Layout, scale, access and appearance are all to be determined at outline stage.

PRINCIPLE OF DEVELOPMENT

The site is designated as a Primarily Residential Area under the adopted Wirral Unitary Development Plan (UDP) and as such the principle of residential development is acceptable subject to the policies outlined below.

SITE AND SURROUNDINGS

The site comprises a square portion of land belonging to no.26 and currently used as a garden and orchard. The land is surrounded on all sides by the rear gardens of adjacent residential properties on Kings Drive, Bentley Road and Nowshera Avenue.

POLICY CONTEXT

The application is assessed under UDP policy HS4: Criteria for New Housing Development and policy HS10: Backland Development.

Policy HS4 Criteria for New Housing Development of the adopted Wirral Unitary Development Plan (UDP) criteria sets out proposals must relate well with neighbouring properties and the character of the surrounding area.

Policy GR7 - Trees and New Development

Policy HS10 Backland Development and Supplementary Planning Guidance note 10 requires the proposal not to change the character of the area, adequate access, garden space and turning provision.

A supplementary planning guidance note SPD4 sets out the Council's Parking Standards

Policies NC01 and NC7 relate to nature conservation and species protection. In this respect the Local Planning Authority will not approve any development that would have an adverse impact upon wildlife species protected by law unless the Local Planning Authority can be sure that the species can be protected by planning condition

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.

The National Planning Policy Framework (NPPF) is a material consideration, Parts 6 and 7 being particularly relevant to this development.

APPEARANCE AND AMENITY ISSUES

The proposed scheme is to construct 10 new residential units on the plot, with the existing No.26 property being demolished to make way for suitable vehicle access. The application is outline, however the only matter which is reserved for subsequent approval is landscaping. Access, appearance, layout and scale are all to be secured at outline stage.

The demolition of the existing bungalow is not considered detrimental to the character of the street scene. The small sandstone wall and vegetation to the front boundary are to be retained in order to maintain the overall character of the area. The replacement bungalow facing Cornelius Drive is acceptable in scale and reflects the style of the adjacent property no.26A Cornelius Drive. The plot size of the replacement bungalow reflects the adjacent plot sizes in width and length. The bungalow is set back from the road with a 10m long rear garden and would thereby sit well within the street scene.

As the development is located on a backland site the access needs to meet the requirements of HS10 and SPG10, listed above. In addition the highways team has requested the road is built to an adoptable standard, as such the plans have been amended and the new road width increased. The access is now deemed a sufficient width to provide an road 5 metres wide together with a pedestrian walkway on both sides and as such complies with HS10 and SPG10. In addition in accordance with the above policies the use of the access must not affect the amenity of dwellings through noise, disturbance or loss of privacy. No.24 has secondary/non habitable windows in the side facing elevation facing the access road. The separation distance is 5 metre from the side elevation of the existing neighbouring dwelling (No.24) to the road and 5m from the proposed bungalow to the new access Road. As such the proposal accords with SPG10. In addition an acoustic fence and planting scheme that would reduce the noise and disturbance to the neighbouring property will be conditioned

should members be minded to approve the proposed scheme.

In addition dwellings 2 and 3 have been amended from two storey dwellings to bungalows in order to protect the amenities of 26A, B and C.

At the time of writing this report 19 objections have been received as well as two separate petitions of objection. The objections are summarised as follows:

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10. Boundary dispute exists between resident adjacent to the site and the applicant

Having regards to the design of the proposed development the proposal is for the erection of a mixture of semi detached dwellings, a detached dwelling and a bungalow. There is a varied design pallet in the area and as such the proposed scheme is not deemed out of character with the local vernacular.

Properties have been sited so as to minimise impact upon surrounding neighbours with sufficient garden space and off road parking. The design is simple and traditional with pitched roofs, a small entrance porch and patio doors at the rear. The bungalow will mimic that of the neighbour 26 Cornelius Drive in size and form. The development is therefore not deemed out of character with the surrounding area.

As there are a number of mature trees being removed in order to make way for the scheme, a tree survey assessment has been carried out. This has identified a number of trees along the eastern boundary to be retained and a large number to be removed. The arboricultural officer has assessed the proposal and is content for the trees to be removed in accordance with the tree survey. The site is not protected by a TPO and should members be minded to approve the scheme a landscaping plan condition will be imposed.

Having regards to wildlife and habitat of protected species a preliminary ecological appraisal has been carried out by the applicant. This has been submitted to Wirral Wildlife.

The survey identified a maximum of three common pipistrelles roosting within Tree 20. It was concluded that the tree is used as an occasional summer roost by small numbers of male common pipistrelle bats. Therefore it will be necessary for the developer to obtain a Development License for bats before any work on the scheme may take place. (This is outside the remit of planning) however should members be minded to approve the scheme a condition for bat boxes to mitigate the loss of the existing habitat, lighting to minimise the impact upon bats and a further condition for the protection of nesting birds will be imposed.

Concerns raised over parking, highway impact and possible congestion are dealt with below. The impact of the development on property prices is not a planning matter and the boundary dispute between the neighbouring properties is a civil matter.

SEPARATION DISTANCES

The Council's standards for separation are 14m window to Wall and 21m window to Window. The proposal easily exceed the Councils standards and as such is deemed acceptable having regards to policy HS4 Criteria for New Housing Development of the adopted Wirral Unitary Development Plan.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications relating to this proposal. The Highways department has been consulted with regards to the development and the concerns of the residents and has raised no

objection to the scheme. The site plan has been amended to ensure the access road is built to an adoptable standard in order to ensure highway safety. Each of the plots has off an street parking space and as such accords with SPD4.

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 outline proposal for 10 dwellings is deemed appropriate in this instance having regard to Wirral's UDP Policies HS4, HS10, GR7, NC01 and NC7 and the NPPF and is therefore recommended for approval.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The outline proposal for 10 dwellings is deemed appropriate in this instance having regard to Wirral's UDP Policies HS4, HS10, GR7, NC01 and NC7 and the NPPF and is therefore recommended for approval.

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. 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.

(d) The **landscaping** of the site; and

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 facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

4. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25th January 2018 and listed as follows: 2787/1 rev B (Dated 19/12/17), 2787/4 (Dated 18/12/2017) & 2787/3 (Dated 18/12/17)

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

5. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

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 and WM9 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 policies WM8 and WM9 of the Waste Local Plan.

8. 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.

9. "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 [include those that are pertinent]:

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"

The development shall then be carried out strictly in accordance with the approved Arboricultural Method Statement.

Reason: To ensure the appropriate retention and protection of suitable trees for applications which involve complex tree issues in accordance with policies GR7 of the adopted UDP.

10. 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: To ensure the appropriate retention and protection of suitable trees for applications which involve complex tree issues in accordance with policies GR7 of the adopted UDP.

11. Prior to commencement of any works on site details of bat boxes and a time frame for their implementation in accordance with Etive Ecology Ltd Preliminary Ecological Appraisal (Dated June 2017) shall be submitted to and agreed in writing with the local planning department. The details of the boxes and time frame for erecting them shall be carried out in accordance with the agreed document and retained as such thereafter.

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

12. Prior to commencement of development details of lighting that shall minimise the impacts on bats and their insect food shall be submitted to and agreed in writing with the local planning authority. The agreed plan shall be implemented in full within an agreed time frame and retained as such thereafter.

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

13. Notwithstanding any indication on the approved plans no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing with the Local Planning Authority. For the avoidance of doubt surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined public sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow that mimics the existing greenfield run off. The development shall be completed maintained and managed in accordance with the approved details

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to 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 & HS10 of the Wirral Unitary Development Plan.

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

Reason: In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 & HS10 of the Wirral Unitary Development Plan.

Last Comments By: 15/04/2015 14:50:04

Expiry Date: 25/05/2015