

Planning Committee

14 January 2021

Reference:
APP/20/00720

Area Team:
Development
Management Team

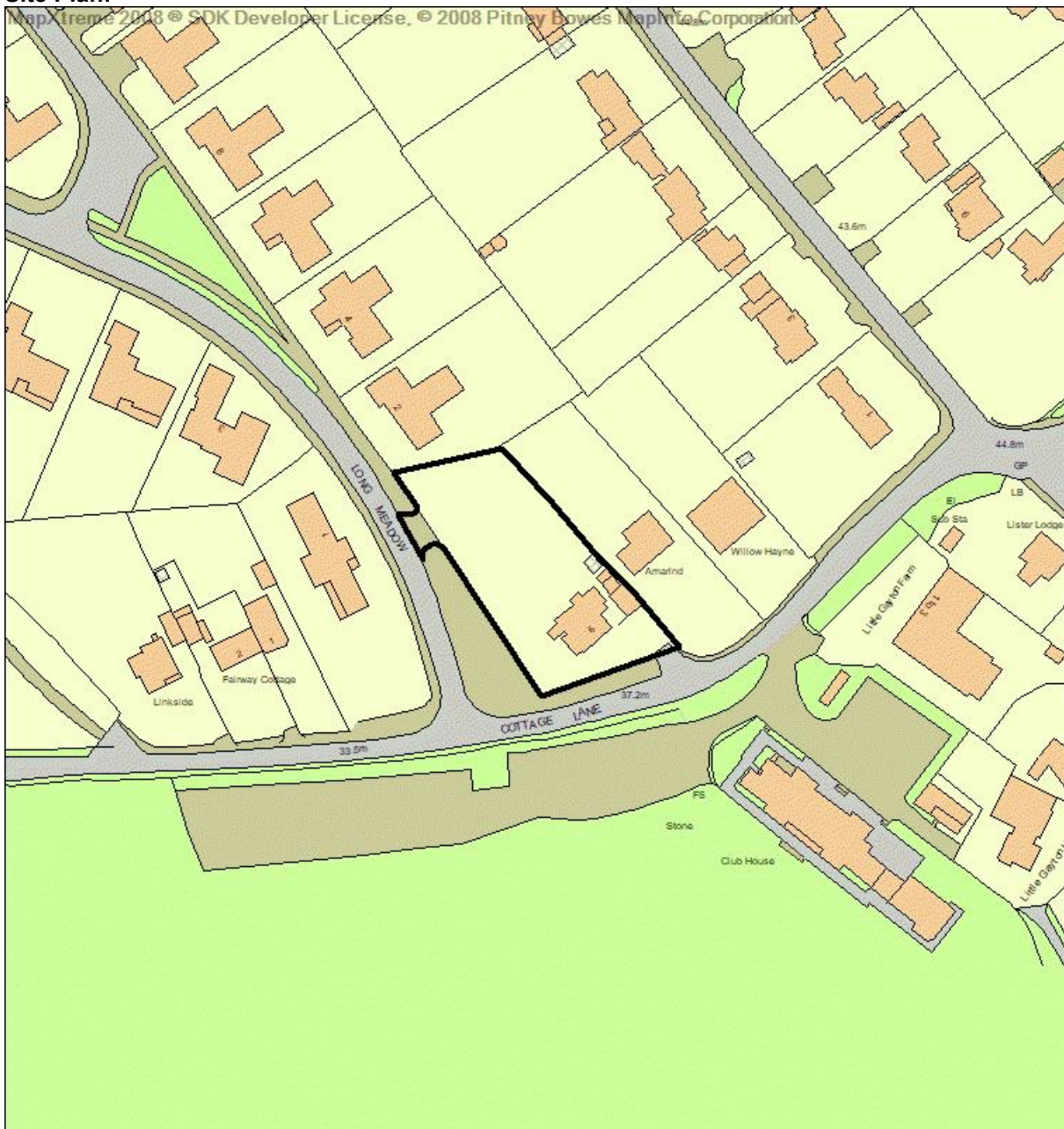
Case Officer:
Mr N Williams

Ward:
Heswall

Location: Teviot Bank, 6 COTTAGE LANE, GAYTON, CH60 8PB
Proposal: Demolition of existing dwelling and erection of building containing 8 No. apartments, with associated landscaping, parking, bike store and bin store.
Applicant: PHILIP LAMBERT ARCHITECTURE
Agent: Philip Lambert Architecture

Qualifying Petition: Yes, Number of Signatures: 79

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: Teviot Bank, 6 COTTAGE LANE, GAYTON, CH60 8PB
Application Type: Full Planning Permission
Proposal: Erection of a new dwelling to the rear (north west) of Teviot Bank 6 Cottage Lane Gayton CH60 8PB. (Second Amended Plans dated 12.2.14)
Application No: APP/13/01258
Decision Date: 28/03/2014
Decision Type: Approve

Summary of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

1.1 No formal comments received.

2.0 SUMMARY OF REPRESENTATIONS**2.1 REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 11 notifications were sent to adjoining properties. At the time of writing, there had been a qualifying petition of objection containing 79 signatures and 35 individual objections received, including from the Heswall Society, which can be summarised as:

1. No other flat development in the vicinity
2. Out of scale and keeping with surrounding properties
3. Overbearing impact on neighbours
4. Overlooking
5. Increased noise
6. Impact of bin store
7. Highway safety concerns and insufficient parking
8. Drainage concerns
9. Impact on trees and wildlife
10. Covenant restricts development

2.2 CONSULTATIONS

Highways - No objections subject to condition (see comments below)

Environmental Health - No objection

Welsh Water - Request condition and advisory notes

3.1 Site and Surroundings

3.1.1 The site currently contains 'Teviot Bank', a two-storey rendered dwelling located on the corner of Cottage Lane and Long Meadow. The building is in a slightly elevated position above Long Meadow, with a large grass verge/embankment between the site and the pavement.

3.1.2 The site is designated in the Wirral Unitary Development Plan as a Primarily Residential Area. It is within an area of mixed housing, with predominantly two-storey dwellings along Cottage Lane and mostly bungalows on Long Meadow. Heswall Golf Club, a large two-storey building located within Heswall Lower Village Conservation Area, and its associated car park are to the south.

3.2 Proposed Development

3.2.1 The application proposes the demolition of the existing dwelling and the erection of a building containing 8 No. apartments, with associated landscaping, parking, bike store and

bin store. The proposed building will be two-and-a-half storeys tall and will sit towards the front of the site, with the parking and amenity areas to the rear (north). The parking area will be partly subterranean, built into the land, with the amenity area sitting above (at the existing ground level).

- 3.2.2 The proposal has been amended since the original submission due to officer and local resident concerns. There has been a reduction in the scale/bulk of the rear part of the building and a slight reduction in the overall height of the building. This has resulted in a loss of one unit (the original scheme proposed 9 units).

3.3 Development Plan

- 3.3.1 The proposed development would primarily be subject to Wirral Unitary Development Plan Policy HS4: Criteria for New Housing Development and Policy GR5: Landscaping and New Development. The site is also within Zone 3 of the Gayton Density & Design Guidelines, and therefore subject to Policy HS5, which states that development is only permitted on plots with a frontage and depth comparable to those plots in close proximity – in this case, the plot at Teviot Bank is one of the larger sites and has a frontage onto both Cottage Lane and Long Meadow.

- 3.3.2 Supplementary Planning Documents 2: Designing for Self-Contained Flat Developments and Conversions is also relevant, as is Supplementary Planning Document 4: Parking Standards.

3.4 Other Material Planning Considerations

- 3.4.1 The National Planning Policy Framework states that there should be a presumption in favour of sustainable development and provides support for efficient use of land taking account of the desirability of maintaining an area's prevailing character (including residential gardens). The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.5 Assessment

- 3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways; and
- Amenity

3.6 Principle of Development:

- 3.6.1 The site is designated as part of the Primarily Residential Area, where residential development is acceptable in principle, subject to compliance with all the criteria in UDP HS4. The site also with the Gayton Density and Design Guidelines Area where UDP Policy HS5 is also applicable.

Site Considerations

Whilst the existing dwelling has some visual merit, it has little significant architectural character sufficient to prevent its demolition and the loss of this building could therefore be accepted. There are no restrictions under Policy HS5 for new flat development within this area, with the aim to permit development on plots of comparable sizes with neighbouring properties.

- 3.6.2 It is acknowledged that the area contains almost wholly single dwellings - either bungalows or two-storey properties, although there are examples of larger properties within the wider area, together with the substantial golf clubhouse off Cottage Lane. However, the prominent location of the site on the corner of Cottage Lane and Long Meadow give the impression of a key site within the locality, where a building of slightly larger scale could be suitable.

3.6.3 There was a previous planning permission for a new dwelling in the rear garden of Teviot Bank approved in 2013 (ref: APP/13/01258). Although this dwelling has not been built, the applicant states that the permission has been implemented and therefore the dwelling could still be built. If it was, this would reduce the size of the plot at Teviot Bank and introduce additional built form and is considered to be a material consideration. The current proposal, and the conditions attached to any approval, would mean that this dwelling could not be built.

3.7 Scale, Design & Layout:

3.7.1 The proposed building, at approximately 47.5m AOD (Above Ordnance Datum), will be shorter than the existing dwelling (approx 48.5m AOD) and the adjacent property Amarind (just under 48m AOD), at their highest points. It is acknowledged that the proposed building will have a larger massing than both the existing dwelling and neighbouring property, however, this height comparison indicates that the scheme has been designed so as to minimise the overall height of the proposed building and ensure that it does not appear excessively out of scale within the area. The apartments within the top floor will be mostly contained within the roofscape, which helps to maximise the effective use of the site whilst limiting the overall height of the building.

3.7.2 The footprint of the proposed building will be similar in terms of width to the existing dwelling with the front elevation similar to the existing, but it will extend further to the rear. The site is considerable in scale (approx. 0.17 hectares), and the scheme has been designed to ensure that the building takes up only around one third of the site and is sited within a similar location to the existing dwelling. The site is fairly well screened by trees and vegetation to both Long Meadow and Cottage Lane, much of which is to be retained. This will help to soften the impact of the proposed building and minimises the impact it will have upon the surrounding area, including the nearby conservation area.

3.7.3 The proposed building has been designed to give the appearance of a large, single family dwelling - with both design and materials blending a traditional and modern form. The proposed building has a series of front-facing gables and dormers which provide interest and depth, with a mix of materials which result in the scheme having the appearance of a contemporary version of a traditional building. The materials utilised will include traditional red bricks, render and cedar elements, together with sandstone, which is a feature of the conservation area. The proposed materials appear to work well together, and the scheme is considered to be of a high-quality design, befitting of its prominent location, and will therefore make a positive contribution to the character of the area. It's impact on the adjacent conservation area is considered to be negligible due to the design quality of the building and materials proposed, together with the screened nature of the site which minimises the views of the site from Cottage Lane.

3.7.4 As noted, the site is screened by a number of fairly mature trees, most of which are to be retained and will continue to help screen the new building and soften its appearance. There are 6 trees to be removed, none of which are graded as A quality trees, and there are sufficient number of trees being retained to ensure that the site continues to contain significant tree screening and coverage. These trees are not protected by a Tree Preservation Order, but it is indicated that those to be retained will be protected during the construction process, and conditions have been attached to ensure this is the case. In addition, a condition has been attached for a full landscaping plan to be submitted and will include the retention of those trees shown on the submitted plans, together with the potential for additional trees, in line with Wirral's Tree Strategy.

3.7.5 Although objections have been received relating to drainage, NPPF Para 165 refers to only major developments as requiring sustainable drainage systems, and a sustainable drainage strategy was therefore not deemed necessary for this application. However, the NPPF does advise that local planning authorities should ensure that flood risk is not increased elsewhere, and a condition has therefore been attached for the applicant to submit a drainage scheme prior to commencement of development.

3.8 Highways:

3.8.1 The development proposes a new access into the site from Long Meadow, cutting through the grass verge embankment and into a parking area which will partly be covered by a decked amenity area (which will sit at the existing ground level). This new access has been assessed and it's considered that there are no significant highway safety concerns. The Local Highway Authority require full details of how the new access would be created prior to the access being constructed, and an informative advises the applicant of this. A Construction Management Plan has been requested, via condition, due to the narrowness and lack of footway on Cottage Lane.

3.8.2 The proposed development provides 17 off-street parking spaces, consisting of 15 located in the new car park to the rear of the proposed building and a further 2 located to the front, via an existing access off Cottage Lane. This level of parking provision is generally in line with Supplementary Planning Document 4: Parking Standards, as is the provision for one secure cycle parking space per apartment, and therefore the proposal complies with local and national policy.

3.9 Amenity:

3.9.1 There are habitable windows on three sides of the proposed building - the front (south) and rear (north), together with a large number of windows on the western elevation to provide views towards the Dee Estuary. To the south, these windows will look towards Heswall Golf Club, whilst to the rear the windows will be a distance of approximately 30 metres from the property to the rear of the site (2 Long Meadow). To the west, the dwelling at 1 Long Meadow does not sit directly opposite the proposed building. This results in the proposed windows facing towards the garden area of this property. Although the application site is set higher than this property, the distance of approximately 25 metres is considered sufficient to ensure no unacceptable levels of overlooking will occur.

3.9.2 Given the distance of the proposed building to the dwelling to the rear (2 Long Meadow) and to the west (1 Long Meadow) it is not considered that it will have an unacceptable detrimental impact upon the amenities of these dwellings.

3.9.3 The proposed bin and cycle store are located to the rear of the site, close to the boundary with 2 Long Meadow. Details of these have been submitted and indicate a cedar-clad structure. It's not considered that this will have a significant impact upon the amenities of the neighbouring property.

3.9.4 The property to the east, 'Amarind', has no primary habitable windows on the side elevation but does have large windows to the front and rear. Although the proposed building does project further to the front and rear than these windows, it has been sited so that it complies with a 45-degree requirement from the centre of these windows. Therefore, although the proposal will have some impact on these windows, it is not considered to be excessively so, and on balance is not considered sufficient to warrant refusal of the application.

3.9.5 An additional consideration is the presence of habitable room windows on the side elevation of the existing Teviot Bank dwelling which face towards the property of Amarind, at a distance of only approximately 5 metres. The demolition of this property and subsequent removal of these windows, and the inclusion of only stairwell windows on this proposed elevation should therefore result in less direct overlooking of the neighbouring property than currently exists. A condition has been attached to ensure that this new stairwell window is obscurely glazed above ground floor level.

3.9.6 All habitable windows within the proposed development will have sufficient outlook for future occupiers. Some of the units will have small outside seating areas, whilst a larger amenity space will be sited to the rear, providing sufficient private outdoor space for future residents of the scheme.

Summary of Decision:

Having regards to the individual merits of this application the recommendation to grant

Planning Permission has been given 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 redevelopment of this site will make effective use of the site and therefore comply with the National Planning Policy Framework and will not have an unacceptable adverse impact upon the amenities of neighbouring properties or the character of the surrounding area and therefore complies with the Wirral Unitary Development Plan, in particular Policies HS4, HS5 and GR5, and relevant Supplementary Planning Documents 2 and 4.

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 2nd June 2020 and listed as follows: 19-425-001; 19-425-002; 19-425-003; 19-425-005; 19-425-101; 19-425-201; 19-425-202; 19-425-203; 19-425-204, and the amendment plans received on 2nd October 2020 and listed as follows: 19-425-205 A; 19-425-206 A; 19-425-207 A; 19-425-301 B; 19-425-302 B; 19-425-401 B; 19-425-601; 19-425-602; 19-425-701

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

3. Before any construction above ground level 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 proposed bin and cycle storage facilities, as shown on Drawings 202 and 203, shall be provided as shown prior to first occupation of the development and retained as such for use at all times afterwards, unless otherwise agreed in writing by the Local Planning Authority

Reason: For the avoidance of doubt having regard to the amenities of future occupiers and Policy TR12 of the Wirral Unitary Development Plan and Policy WM9 in the Joint Waste Local Plan.

5. Prior to the construction of the new access, a full scheme of works for the new access onto Long Meadow, including adequate visibility splays as shown on the approved drawings and the reinstatement to standard footway levels of any existing vehicle accesses 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.

Reason: In the interests of highway safety and to accord with Policy TR 9 of the in the Wirral Unitary Development Plan.

6. The windows above ground floor level in the north-eastern elevation (serving the stairwell)

shall be obscurely glazed prior to first occupation and shall be retained as such thereafter

Reason: In the interests of the amenities of the neighbouring property having regards to Wirral Unitary Development Plan Policy HS4

7. No development shall take place until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment having regard to Policies WA2 and WAT2 in the Wirral Unitary Development Plan.

8. PRIOR TO COMMENCEMENT OF DEVELOPMENT, detailed drawings indicating 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent properties having regard to Wirral Unitary Development Plan Policy HS4

9. No development above ground level shall take place before details of a scheme of landscaping, which shall include details of both hard and soft landscaping works, all boundary treatment, earthworks and retained trees, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out no later than the first planting season following the completion of development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary, continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation

Reason: To ensure satisfactory landscape treatment of the site which will protect the character and appearance of the site and to ensure the proposed development enhances the visual amenity of the locality, having regard to Policy GR5 of the Wirral Unitary Development Plan

10. The development shall be carried out in accordance with the submitted arboricultural method statement (Arbtech, 1 July 2020) unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure protection of the trees having regards to Wirral Unitary Development Plan Policy GR5

11. 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 and 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 protection of the trees having regards to Wirral Unitary Development Plan Policy GR5

12. 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: To ensure protection of the trees having regard to Wirral Unitary Development Plan Policy GR5

13. NO DEVELOPMENT SHALL TAKE PLACE UNTIL a Construction Management Plan or Construction Method Statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved details.

Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

Reason: In the interests of highway safety and to accord with Policy HS4 of the Wirral Unitary Development Plan.

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 are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is

required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details.

2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Last Comments By: 31/07/2020
Expiry Date: 28/08/2020