

Planning Committee

14 January 2021

Reference:
APP/20/01065

Area Team:
**Development
Management Team**

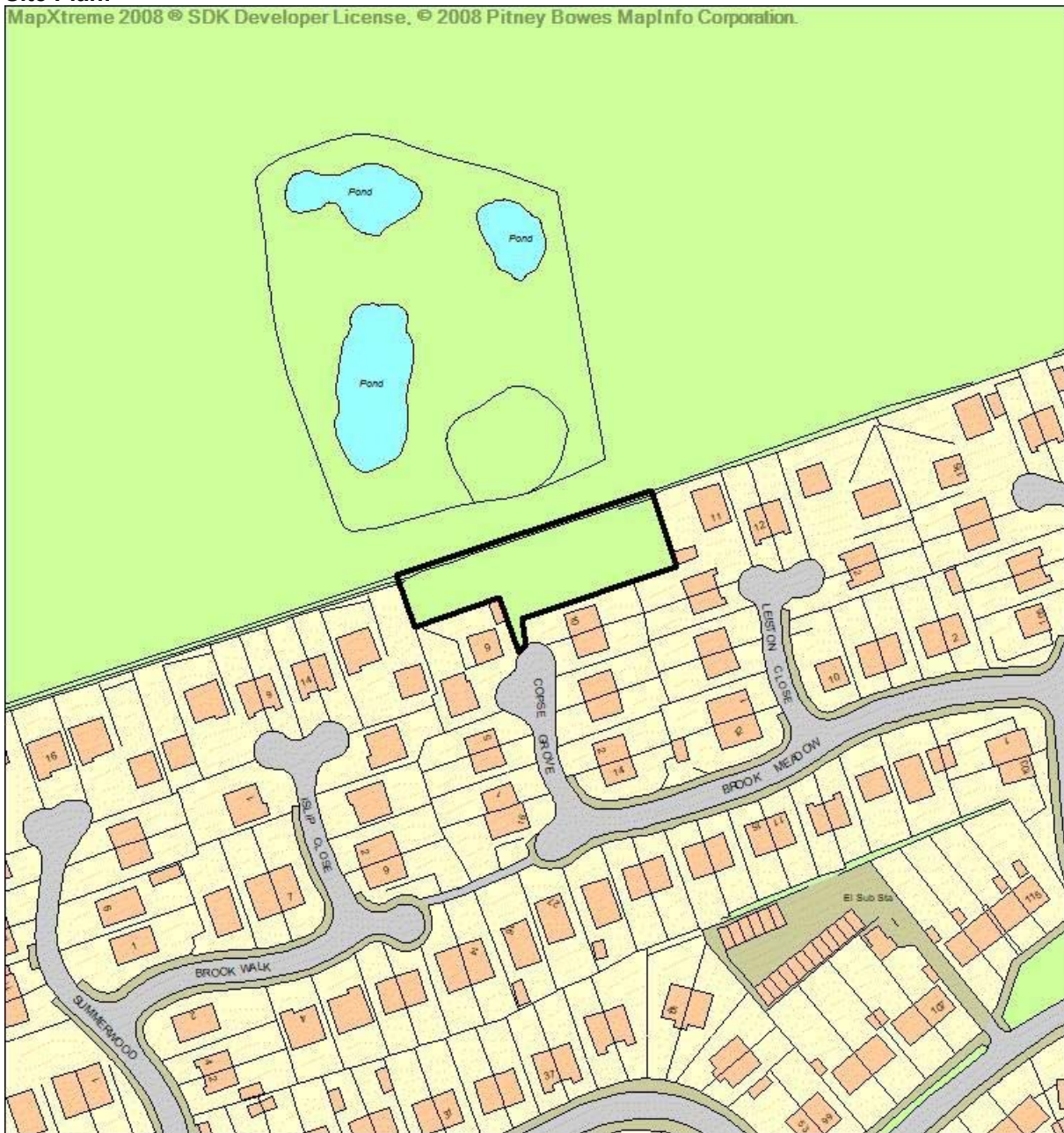
Case Officer:
Ms C Robinson

Ward:
**Greasby Frankby
and Irby**

Location: Land to the rear of 9 & 10 COPSE GROVE, IRBY, CH61 4YP
Proposal: Erection of 2 No detached houses with associated free-standing garages
Applicant: Mr Clifford
Agent: Mr Graham

Qualifying Petition: Yes, Number of Signatures: 72

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: Land to the north of Denning Drive, Irby, L61 4YH
Application Type: Full Planning Permission
Proposal: Erection of 96 houses and 17 bungalows and garages and construction of roads and sewers
Application No: APP/83/22065
Decision Date: 24/03/1983
Decision Type: Conditional Approval

Location: Land adjacent to 9 & 10 Copse Grove, Irby, Wirral, CH61 4YP
Application Type: Full Planning Permission
Proposal: Erection of 3 No. detached houses and detached garages
Application No: APP/03/06111
Decision Date: 03/09/2003
Decision Type: Withdrawn

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

- 1.1 Councillor Clements has expressed the desire for the scheme to be removed from delegation in light of the concerns of local residents regarding impacts on both wildlife and the Green Belt.

2.0 SUMMARY OF REPRESENTATIONS**2.1 REPRESENTATIONS**

The residents of eight neighbouring properties were individually notified by way of advertisement of this application. At the time of writing this report, twenty-three representations had been received. One offers neutral comment, whilst the remaining twenty-two object to the proposal, including the Irby Thurstaston and Pensby Amenity Society.

The main concerns are surmised as follows -

1. Destruction of natural habitat and impact on local wildlife
2. Increased traffic, both during construction and subsequently
3. Noise pollution
4. Additional stress on existing drainage systems
5. Adverse impacts on the mental health of neighbouring residents during the construction, and thereafter
6. Increased risk of flooding
7. Development of Greenbelt land is inappropriate
8. Sets precedent for development of other overgrown greenbelt land
9. Loss of view of The Copse for existing residents nearby
10. Inaccurate information submitted with the application - access gap is less than stated
11. The proposed development detracts from the existing character
12. Inadequate space for parking; this will result in additional cars parking on Copse Grove, which already doesn't have enough parking
13. Negative impact on trees
14. Information supplied regarding the width of the access is inaccurate; the width of the site is not sufficient
15. Previous applications and appeals have been refused, and those grounds for refusal still stand
16. The greenspace was set aside when the surrounding development was planned, and should continue to provide the amenity space it was intended for
17. The extent of the ecological survey is too narrow

An objection petition containing 72 signatures has also been received in response to the proposed works. The main concerns cited within it are summarised as follows:

1. Increased risk of flooding to nearby properties
2. Severe impairment to a local wildlife haven
3. Noise and disruption due to increased traffic and construction works

For the avoidance of doubt, the site does not fall within the Green Belt; it borders the designation but is not contained within it.

2.2 CONSULTATIONS

Highways - No objection. The proposals are all contained within the private boundary to the dwelling and do not impact on the adopted highway to any great extent. The level of proposed in-curtilage parking is in accordance with the SPD4 standards.

Merseyside Environmental Advisory Service - Following the submission of additional information with regards to the application site, MEAS are satisfied that the site likely wouldn't fully meet the criteria for Priority Habitat and that like for like compensation planting would not be necessary. A suitably worded landscaping condition, securing the retention of some areas of woodland as wildlife corridors, and new native landscape planting would be proportionate in this instance.

Wirral Wildlife - The site is believed to be mitigation woodland for a previous development; should this be the case; the proposal would have to provide compensatory measures for both the currently proposed woodland destruction and that mitigation previously agreed.

3.1 **Site and Surroundings**

3.1.1 The development site comprises a portion of generally unmanaged vegetation located to the terminus of Copse Grove, beyond properties 9 and 10. The site falls within a Primarily Residential Area and borders the county's Green Belt. To the North, the development site is bound by a mature broad-leaved woodland.

3.2 **Proposed Development**

3.2.1 This application seeks permission for the erection of two detached houses with associated free-standing garages.

3.3 **Development Plan**

3.3.1 HS4: Criteria for New Housing Development Policy
HS10: Backland Development
NC01: Principles for Nature Conservation
NC7: Species Protection
GR7: Trees and New Development
LAN1 - Principles for Landscape
LA7 - Criteria for Development at the Urban Fringe
WM9 - Sustainable Waste Management Design and Layout for new developments

3.4 **Other Material Planning Considerations**

3.4.1 NPPF
SPD4 - Parking Standards
SPG10 - Backland Development

3.5 **Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of development
- Design and visual amenity
- Highways and PROW
- Ecology, habitat and trees; and

- Neighbouring amenity

3.6 Principle of Development:

3.6.1 The site is designated as part of the Primarily Residential area in the Unitary Development Plan, where the construction of new housing can be permitted subject to the requirements of UDP Policies HS4 and HS10, along with any other relevant material planning consideration.

3.6.2 Material Considerations

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. It indicates that the purpose of the planning system is to contribute to the achievement of sustainable development so that opportunities to secure net gains across economic, social and environmental protection can be taken. There is a presumption in favour of sustainable development. For decision taking this means approving proposals that accord with an up-to-date development plan without delay (paragraphs 7, 8 & 11 refer). The most important development plan policies for determining this planning application are considered to be up to date in terms of their consistency with NPPF.

3.7.1 Design and visual amenity:

Proposed is the erection of two-detached dwellings. Facing brickwork and roof tiles to match the surrounding housing development are the proposed construction materials. The surrounding vernacular is predominantly brick thus this materials selection is favoured. The locality is made up a combination of attached and semi-detached houses, though their overall design and appearance is generally uniform. The properties here proposed are a little larger than their neighbours, however they fit well to the local character and are not cramped nor contrived within their plots. As an urban fringe development, policies LAN1 and LA7 are applicable. As above, the new buildings are generally well designed and sited and a landscaping condition attached to any approval granted shall ensure that vegetation is retained within the site by way of softening the visual impact particularly where the Green Belt is concerned.

3.7.2 Whilst the proposals do not have all the characteristics of backland development, as they are located behind existing properties, they should be considered alongside this policy. UDP Policy HS10 requires that an access be provided which is of sufficient width to provide a private drive, 3m wide with amenity strips. The proposed, the access would be provided using an existing gap separating no's 9 and 10 Copse Grove Which varies in width from approximately 2.5m to 3.5m. From the street scene, the proposed properties shall be largely obscured by existing built form; in any event their design, scale and form are consistent and sympathetic with the locality thus they will not appear alien. Overall, the two dwellings are considered to be an appropriate addition to this site.

3.7.3 Research from the relevant planning history confirms that the site was not designated as open amenity land in association with the construction of the original housing estate (see permission APP/83/22065); the site, at present, however, is an undeveloped patch of vegetation, which could be considered a visual buffer within the estate. As afore referenced, the vegetation contained within the site is generally of poor quality. Regardless, when viewing the site from Copse Grove, existing trees in the front garden of neighbouring no.10 make up much of the vegetative character combined with one tree sited forward within the development site which is set to be removed as part of the proposal. The bulk of the vegetation set for removal is not prominently viewed from Copse Grove to make a prominent contribution to the street scene. In any event, the site shall continue to be read against the remainder of the woodland (which contains more mature vegetation and is arguably more attractive) located beyond the North boundary of the development site. The loss of the open space making up the development site is therefore not considered sufficiently detrimental as to warrant the refusal of this application.

3.8 Highways:

3.8.1 The proposed development would provide two four-bedroom dwellings. The Council's adopted parking standards (2007) states that a maximum of two parking spaces should be provided for houses with 3 or more bedrooms. The site plan indicates that each dwelling

would benefit from a driveway sufficient to park one vehicle plus a single garage. In which case the proposal is considered to provide adequate parking provision.

- 3.8.2 The Authority's highways team have raised no objection to the proposed access arrangements. The site will allow adequate space for turning and manoeuvring allowing vehicles to enter and exit the site in a forward-facing gear.

3.9 Ecology, habitat and trees:

- 3.9.1 Whilst the site is not currently designated as a priority habitat and has no specific designation in the UDP, the development site is within proximity to several designated sites; Thurstaston Common SSSI (950m west), Limbo Lane Pond LWS (490m east), Harrock Wood LWS (660m south), and Arrowe Park LWS (760m east). MEAS has advised that ecological impacts must therefore be carefully considered. The application site comprises an area of unmanaged broad-leaved woodland with an under-storey of scrub. The woodland extends outside of the northern boundary of the application site and this area includes a large pond. Broad-leaved woodland and are Priority Habitats. Such areas should be afforded protection, in terms of mitigating loss of trees within them and - where felling is avoidable - the provision of compensatory planting. The Local Planning Authority is required under s40 of the Natural Environment and Rural Communities Act 2006 to have regard to particular living organisms and types of habitat which are of the greatest conservation importance whilst carrying out their functions. This will need to be considered in line with UDP Policies GR7, NCO1 and NC7. Cabinet have also resolved on 27/7/20 that 'that the Tree Strategy can be a material consideration in planning applications.
- 3.9.2 The applicants Arboricultural Impact Assessment indicates that there are a number of trees such as oak, rowan, elder, holly which are low quality and in poor condition which should be removed to facilitate the proposed development. It goes on to recommend that replacement plantings as part of a landscape strategy to provide wider species diversification and interest. In this instance, inspection of the site has confirmed that the vegetation contained within the site generally consists of small scrubby trees, many in poor condition. The understory is also lacking. Though the wider woodland to the North would constitute Priority Habitat, the development site - due to the lesser quality of the vegetation contained within it - would likely not fully meet the criteria.
- 3.9.3 Though the proposed vegetation removal does represent a degree of environmental harm, its lesser quality mitigates the environmental impact somewhat. The site is also of sufficient scale to allow for the retention of some vegetation. Portions of existing vegetation to the East and West ends of the site are those proposed to be retained; as well as minimising tree loss within the site, shall also act appropriately as a wildlife corridor. A landscaping condition would be attached to any approval granted; this would monitor the levels of retained vegetation, plus allow opportunity for appropriate re-planting.
- 3.9.4 When accounting for the poor quality of the vegetation (which is not recognised as Priority Habitat), and the opportunity for some retention and replanting, like for like compensatory planting - as recommended by MEAS and Wirral Wildlife - is not considered proportionate in this instance. All efforts should be made to safeguard the best specimens of trees during and post construction; an appropriately worded planning condition is recommended in this regard. Further appropriately worded planning conditions seek enhancement measures, such as bird boxes, to ensure that there are no unduly adverse wildlife impacts.
- 3.9.5 The Council's Tree Strategy requires planning applications to demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. The selection of new species to be planted will use the "right tree for right place" approach.

- 3.9.6 In terms of the retained vegetation, a portion of this is proposed to the West of the site located behind the detached garages. Due to its distance from the house and its access arrangements, being through the buildings themselves, this portion of curtilage is unlikely to make up the primary garden for the enjoyments of the future occupants. Accordingly, any vegetation proposed to be retained at this location will not unduly impact the occupiers nor - ultimately - give rise to pressure to fell the specimens. The situation is more sensitive to the East of the site, which shall comprise the primary garden area. There will be pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. However, the retained woodland is to the North of the site so actual shading issues would be minimal. Officers are satisfied that a degree of vegetation will be able to be retained and are satisfied to pursue the finer details via a landscaping condition post-determination. On balance the works accord with the applicable landscaping policies (LAN1 and LA7) thus are acceptable.
- 3.10 Neighbouring amenity:
- 3.10.1 In terms of amenity, the Southerly plot (House Type 1) is generally acceptable. The plot is of sufficient size to allow the normal separation distances and is in accordance with the criteria of the UDP. 21m separates the rear wall from the side of neighbouring no.11 Copse Grove to the East. The relationship with the nearest neighbour is that the dwellings would be side to side, which is generally preferable for amenity safeguarding. There is a habitable (bedroom) window to the side elevation which could pose overlooking to the garden of neighbouring no.10. A ground floor kitchen window also faces the neighbouring proposed dwelling to the West. Where these windows are not the primary light source into this room, this fenestration would be instructed via planning condition to be obscure glazed and fixed shut.
- 3.10.2 The Northerly plot (House Type 1 - handed) plot is similar and also generally acceptable. Again, the normal separation distances are achieved with the existing neighbours within Copse Grove. 21m separates the rear wall from the side of neighbouring no.11 Copse Grove to the East. Non-habitable first floor windows (bathroom and landing) shall face the neighbouring property thus are of lesser consequence where overlooking is concerned. Again, a ground floor kitchen window faces the neighbouring proposed dwelling (to the East); though, since not the primary light source into this room, this fenestration should either be omitted or would be instructed via planning condition to be obscure glazed and fixed shut.
- 3.10.3 Retained vegetation is likely to make up (in whole or in part) the boundary treatments for these sites; this shall provide continued screening to adjacent properties, thus bolstering the scenario of privacy. As above, the separation distances are sufficient. In terms of the objections raised in relation to noise and disturbance, it's not considered that the proposal gives rise to detrimental harm in this regard. The levels of disturbance associated with two additional dwellings at this location are not considered unacceptably adverse.
- 3.10.3 Representation cites objection regarding the loss of the green space set aside during the construction of the estate (see 3.7.3, where the visual impact has been discussed). The site is currently overgrown and within the private ownership of the applicant; accordingly, in terms of use, its amenity value is limited to nil. Its loss isn't considered to constitute harm to the enjoyment of existing residents of the Close.

Summary of Decision:

Having regards to the individual merits of this application it is recommended that planning permission be granted having regard 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 proposal is not considered to have a harmful visual impact on its surroundings or an

adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal results in the loss of some vegetation, however – due to its poor quality – this vegetation is not recognised as Priority Habitat. Whilst the loss of vegetation is recognised as an environmental harm it's not considered sufficient to warrant the refusal of this application. The proposal complies with NPPF - Requiring Good Design, HS4 - Criteria for New Housing Development and is therefore considered acceptable.

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 August 10th and 14th and listed as follows: 2020_P_10 dated July 2020, 2020_P_11 dated August 2020,

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

3. No development or clearance of vegetation shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) Tree protection measures for retained woodland during construction
- a) Pollution control measures to avoid runoff etc. entering the adjacent retained woodland area and the pond located to the north of the site.
- a) Reasonable Avoidance Measures (RAMs) to mitigate risk in relation to both common amphibians and terrestrial mammals

All construction activities shall be implemented in accordance with the approved details and timing of the plan.

Reason: To protect features of recognised nature conservation importance on and to comply with Policy NC7 in the Wirral Unitary Development Plan.

4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. The scheme should include indications of all existing trees and hedgerows on the land, and details of those to be retained (to the East and West of the site), together with measures for their protection during development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales

Reason: In order to protect the visual amenities of the area and to comply with Policy NC7 in the Wirral Unitary Development Plan.

5. No development shall take place until there has been submitted to and approved by the local planning authority a method statement relating to invasive species. The statement, prepared by a competent person, which includes the following information:

- A plan showing the extent of the plants;
- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring;

and

- How the plants will be disposed of after treatment/removal.

Reason: In order to eradicate invasive species from the development site, to prevent the spread of the plant through development works and to accord with the aims of Policy NC01 in the Wirral Unitary Development Plan.

6. Within 3 months of completion of the development hereby permitted, details of bird and bat boxes, to include number, type and location on an appropriately scaled plan, as well as timing of installation, shall be provided to the Local Planning Authority for approval and implemented in accordance with those details.

Reason: To mitigate the loss of bird breeding habitat and to increase the availability of bat roosting opportunities in compliance with Policy NC7 in the Wirral Unitary Development Plan.

7. No above ground works shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8. Detailed drawings shall be submitted to and approved by the Local Planning Authority prior to the commencement of any above ground works to indicate the finished site and ground 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 developments.

9. Prior to the first occupation of the dwellings hereby approved, details of the proposed refuse storage including provision for recycling shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of adequate refuse storage in accordance with Policy WM9 of the Joint Waste Local Plan.

10. No tree felling, scrub clearance or building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season, then the building is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

11. All exterior lighting shall be designed and used in accordance with the guidance of the Bat Conservation Trust.

Reason: To minimise the impacts on bats and their insect food from excessive light spill onto habitats in line with UDP Policy NC7 and NPPF paragraph 180.

12. The following windows shall not be glazed otherwise than with obscured glass (and fixed shut, top/side hung, opening inwards or outwards) and thereafter be permanently retained as such -

- House Type 1 - Kitchen window inside elevation and Bedroom 2 window inside elevation
- House Type 1 (Handed) - Kitchen window inside elevation

Reason: To safeguard the amenities of occupiers of adjoining properties

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015(or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

Reason: To safeguard the amenities of the adjoining occupiers & appearance of the area and to accord with Policy GR5 of the Wirral Unitary Development Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015(or any Order revoking or re-enacting that Order) no erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. falling within Part 2, Class A, shall be undertaken on any part of the land.

Reason: To safeguard the amenities of the adjoining occupiers & appearance of the area

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.

Last Comments By: 26/09/2020

Expiry Date: 09/10/2020