

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th March 2017

Subject: **DC/2016/02382**
Lock Up Garages Opposite 259 And 261 Oriel Drive, Aintree

Proposal: Erection of four dwellinghouses after demolition of the existing garages with associated parking and landscaping

Applicant: Ms Joanna Allen **Agent:** Mr David Smith
 One Vision Housing John McCall Architects

Ward: Molyneux Ward

Summary

This is a full application for the erection of four houses following demolition of the existing garage block.

The main issues to consider are the principle of the development, its visual impact and its effects on living conditions and highway safety. Matters concerning ecology, contaminated land and flood risk are also relevant.

It is concluded that the proposal satisfies all relevant policies and the recommendation is for planning permission to be granted subject to conditions.

Recommendation: Approve with Conditions

Case Officer Mrs Diane Humphreys

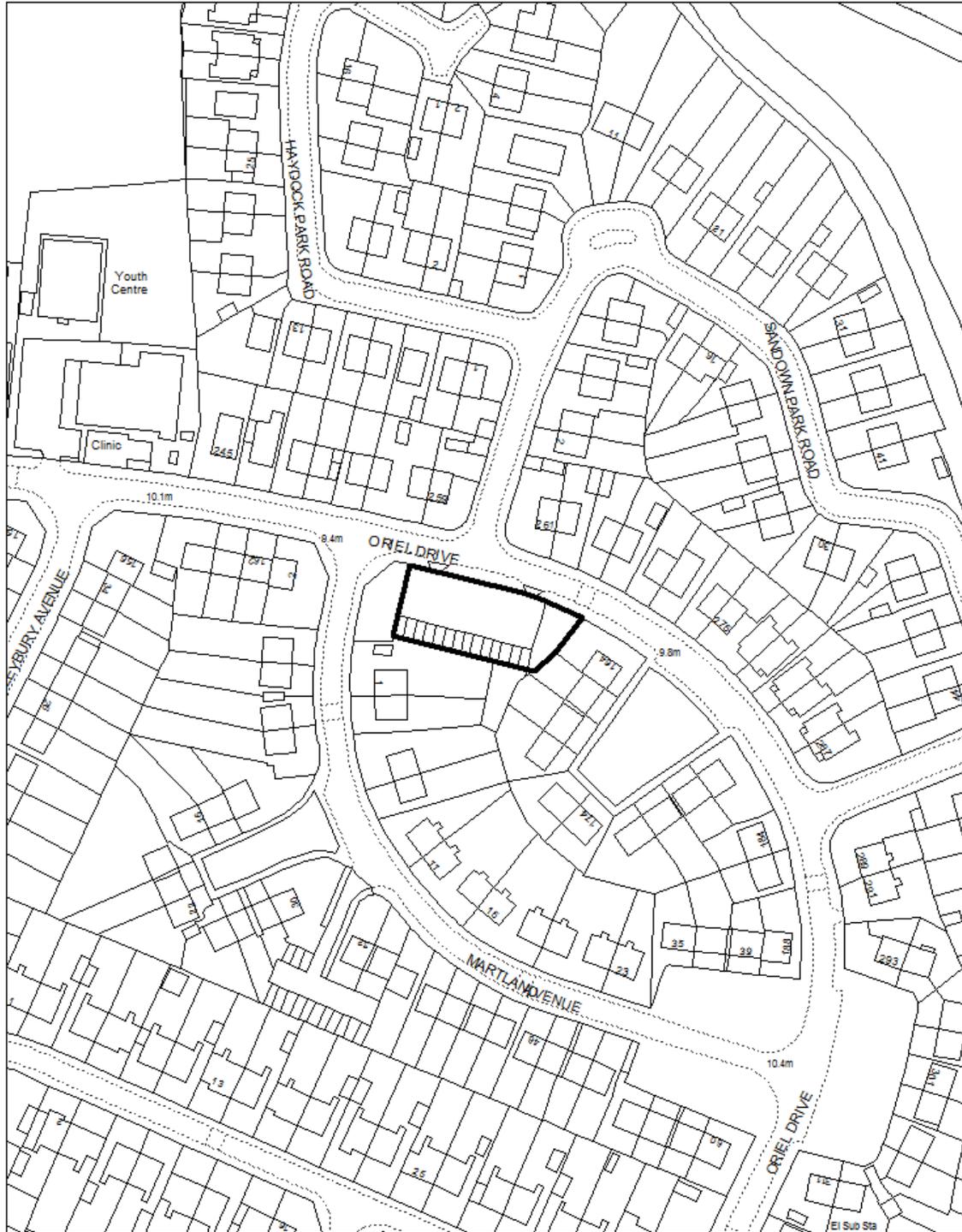
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845 (option 4)

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OHXDVJNWN0000>

Site Location Plan



The Site

The application site is located on the south side of Oriel Drive to the west of number 164. It contains a row of communal garages with a forecourt constructed of tarmac and two vehicular accesses onto Oriel Drive. There are small areas of grass to each side and a number of perimeter trees.

The site lies within a residential area comprising a variety of dwelling types. These include dormer bungalows on the opposite side of Oriel Drive, single storey bungalows in a court directly to the east and two storey houses to the rear of the site in Martland Avenue.

History

None

Consultations

Highways Development Design

Proposed provision for parking, vehicular and pedestrian access is acceptable.

Conditions are recommended to secure the access and parking provision, the re-construction of the footway across the site frontage and a Construction Traffic Management Plan.

Environmental Health

No objections subject to piling condition.

Merseyside Environmental Advisory Service (MEAS)

Ecology

The applicant has submitted a bat survey report which found no evidence of roosting bats inside or outside the garage buildings and roosting features to be limited. The bat survey concludes that no further bat surveys of the garages are required which MEAS agree with.

The proposals indicate that trees will be removed from the site and it is advised that further information on the bat roost potential of affected trees is required before the application can be determined.

Breeding birds should be protected by condition and a landscaping scheme using locally native species should be secured.

Waste

In accordance with policy WM8 of the Joint Merseyside and Halton Waste Local Plan a waste audit should be provided by condition to demonstrate the minimisation of waste production and the efficient use of resources.

Land Contamination

Recommend conditions relating to contaminated land. Analysis for asbestos should be included within the scope of the Phase II Site Investigation.

Contaminated Land Team

The submitted preliminary risk assessment has identified potential contaminants including those associated with the use of the site as garages and potential asbestos containing materials within the garages.

Recommend that the standard contaminated land conditions and informative are attached to any planning approval.

Flooding and Drainage Team

Satisfied with the information contained within the applicant's site specific flood risk assessment in respect of the risk from surface water flooding.

Building Control

No comments

Fire and Rescue Service

No objection

Neighbour Representations

This application has been 'called-in' by Councillor Murphy to be determined by Planning Committee.

Written objections have been received from 1 Martland Avenue and 164 Oriel Drive. The grounds of objection are summarised as follows:

- the applicant has told local residents that the site would be developed for small bungalows for rent
- residents were not informed or consulted on the current proposal
- the proposed houses for sale are not suitable for the site
- houses are too big, too tall and too far forward
- out of character with the streetscene
- overlooking/loss of privacy

Policy Context

The application site is situated in an area designated as residential on the Council's Adopted Unitary Development Plan.

The policies in the emerging Local Plan (June 2016) were subject to discussion at the recent Local Plan Examination and where appropriate have been given weight in coming to a recommendation on this application.

Those policies to which there was no objection or to which no modifications have been proposed may be regarded to carry significant weight. They will be referred to where appropriate in the assessment of this proposal.

Assessment of the Proposal

The main issues to consider are the principle of the development, its visual impact and its effects on living conditions and highway safety. Matters concerning ecology, contaminated land and flood risk are also relevant.

Principle

The site lies within a primarily residential area and the principle of residential development is therefore acceptable under adopted Unitary Development Plan policy H10 and emerging Local Plan policy HC3.

Visual Impact

The proposed semi-detached houses are to be constructed in brick with tiled roofs. They will have pitched roofs with gables fronting the street and will be set approximately 2 metres further forward onto Oriel Drive than the bungalow to the east. The proposed ridgelines will be similar to those of the existing houses to the south and west.

Whilst the proposed dwellings have a different design and are set further forward than existing properties, it is not considered that the new buildings will be out of character with the area which comprises a mixture of dwelling styles and sizes. Also, their positioning will not have a detrimental impact in the streetscene due to the distance to the bungalow to the east and the existence of grassed areas with trees either side of the properties.

Living Conditions

The living conditions for existing surrounding residents as well as future occupants of the dwellings both need to be considered.

Existing Residents

The nearest existing dwelling to the east side of the development is a bungalow at 164 Oriel Drive. This has a detached garage adjacent its western boundary and the distance between the side elevation of the nearest proposed dwelling on Plot 4 and the side elevation of the nearest part of the bungalow is at least 12 metres. This is an acceptable relationship given that there are no windows in the side elevations of the proposed houses.

There is a distance of 13 metres from the rear elevation of the proposed dwelling on Plot 1 to the nearest part of the dwelling at 1 Martland Avenue at first floor level. This relationship is acceptable and in accordance with the 12 metre guidance set out in the “New Housing” Supplementary Planning Document (SPD) in respect of the distance between a window of a habitable room and windows of non-habitable rooms.

It is not considered that the proposal raises significant issues in respect of overlooking and overshadowing and the impacts on existing residents are therefore considered acceptable.

Future Occupiers

The proposal achieves the garden sizes recommended in the “New Housing” SPD which are 60 square metres for houses with 3 or more bedrooms.

Highway Safety

The proposals include two off-street car parking spaces per dwelling and the Highways Manager raises no objections on highway safety grounds subject to conditions being attached to any approval. These will secure the parking spaces and proposed accesses as well as the re-construction of the footway where required and the provision of a Construction Traffic Management Plan.

Ecology

Merseyside Environmental Advisory Service (MEAS) agree with the findings of the submitted bat report. They advise that further information is required in respect of the bat roost potential of trees to be removed. However, the applicant has since confirmed that no trees will be removed as part of the proposal, therefore this information is no longer required.

The submitted drawings show that all of the existing trees, which are to the perimeter of the site, will be retained and that new planting will be provided within the plots. This can be secured by condition in accordance with emerging Local Plan policy EQ9 which carries significant weight. The condition can secure locally native species as recommended by MEAS.

The protection of breeding birds can be covered by an informative.

Contaminated Land

The Contaminated Land Team and MEAS both recommend the use of contaminated land conditions due to the potential for land contamination on the site given that it has been in use as a garage block.

Flood Risk

The applicant had been requested to provide additional information due to the risk from surface water flooding. The Flooding and Drainage team are satisfied with the information provided which proposes mitigation measures such as raising the finished floor levels of the houses and the provision of flood doors/gates within the buildings' design.

Conclusion

The proposal is acceptable in principle and in terms of its visual impact and its effects on the living conditions of existing and future residents and on highway safety. Matters relating to ecology, contaminated land and flood risk have been addressed and/or can be covered by condition as recommended below.

Recommendation - Approve with Conditions

Approve with Conditions

Conditions

This application has been recommended for approval subject to the following conditions and associated reasons:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2) The development hereby granted shall be carried out strictly in accordance with the following details and plans:-

Drawing Numbers L01, L02, L03B, L04, L06 and L07.
Flood Risk Letter referenced JLS/RN/216-039 dated 3 March 2017.

Reason: To ensure a satisfactory development.

3) Before any construction commences:-

a) Samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority.

b) The materials approved under (a) above 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 DQ1 of the Sefton Unitary Development Plan.

4) a) Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan.

b) The barrier/fencing approved under (a) above shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

5) No tree which is to be retained shall be cut down, uprooted or destroyed, or have surgery undertaken, without the written approval of the Local Planning Authority, within 1 year from the completion of the development. Any such trees removed or dying shall be replaced with trees of a size and species to be agreed in writing with the Local Planning Authority in the next available planting season.

Reason: In the interests of visual amenity and in order to comply with policy DQ3 of the Sefton Unitary Development Plan.

6) Before any construction commences, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:

- i) Existing and proposed levels or contours
- ii) Proposed and existing services above and below ground
- iii) Details of boundary treatments and hard surfaces
- iv) The location, size and species of all trees to be planted which shall comprise locally native species
- v) The location, size, species and density of all shrub and ground cover planting
- vi) A schedule of implementation.

Reason: In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

- 7) a) The approved hard and soft landscaping scheme shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

b) Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

- 8) a) A scheme of works for the closure and reinstatement of the existing vehicular and/or pedestrian access on to Oriel Drive shall be submitted to and approved in writing by the Local Planning Authority

b) No part of the development shall be brought into use until the existing vehicular and/or pedestrian access on to Oriel Drive has been permanently closed off and the footway reinstated. These works shall be in accordance with the scheme approved under (a) above

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

- 9) a) A scheme of works for the proposed vehicular and/or pedestrian access shall be submitted to and approved in writing by the Local Planning Authority

b) No part of the development shall be brought into use until a means of vehicular and/or pedestrian access to the site/development has been constructed. These works shall be in accordance with the scheme approved under (a) above.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 of the Sefton Unitary Development Plan.

- 10) a) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the provision of the reconstruction of the footway on the south side of Oriel Drive across the entire frontage of the site, the introduction of footway crossings for the proposed four private driveways and the relocation of an existing street lighting column if required together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.

b) No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the details approved under (a) above.

Reason: In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.

- 11) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 in the Sefton Unitary Development Plan 2006

- 12) Prior to the commencement of any works on site a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for construction traffic management and wheel washing facilities.

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

- 13) a) Prior to the commencement of development a Construction Environmental Management Plan, including a site waste management plan, shall be submitted to and approved in writing by the Local Planning Authority.

b) The provisions of the Construction Environmental Management Plan approved under (a) above shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise environmental impacts during the construction phase and to accord with policy CS3 in the Sefton Unitary Development Plan.

- 14) Prior to commencement of development a preliminary investigation must be prepared in accordance with best practice and current guidance. The report must include:

- Desk study
- Site reconnaissance
- Data assessment and reporting
- Formulation of initial conceptual model
- Preliminary risk assessment

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the DCLG National Planning Policy Framework, March 2012). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 15) Prior to commencement of development the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings must be produced. The report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 16) Prior to commencement of development a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, must be prepared and is subject to the approval in writing of the Local Planning Authority.

a) The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development and commencement of its use.

b) In the event that the proposed remediation scheme involves the provision of a ground cover system a plan indicating the existing and proposed external ground

levels on the application site shall be submitted for approval to the Local Planning Authority.

c) The development shall proceed in accordance with the external ground levels approved under (b) unless the Local Planning Authority gives its prior written approval to any variation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

17) a) The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation.

b) Following completion of the remedial works identified in the approved remediation strategy, a verification report that demonstrates compliance with the agreed remediation objectives and criteria must be produced, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

18) a) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

b) Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by Condition 17.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

Informatives

Breeding Birds

- 1) Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground 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 all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

Addresses

- 2) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.

Works to Highway

- 3) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 for further information.

Piling

- 4) The applicant is advised to consult with Sefton Council Pollution Control Team if the development is to incorporate piling in the foundation detail.

Contaminated Land

- 5) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 14 to 18 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 18 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.