

Committee: **PLANNING**

Date of Meeting: **9 February 2011**

Title of Report: **S/2010/1677**
73-75 Kirklake Road, Formby
(Harington Ward)

Proposal: Erection of 2 detached two storey dwellings to the rear of 73 & 75 Kirklake Road with new access onto Kirklake Road

Applicant: Mr Paul Finnegan

Executive Summary

The proposal seeks to provide a pair of two-storey detached dwellings to the rear of Numbers 73 and 75 Kirklake Road, a site that benefits from outline permission for three detached bungalows.

The key considerations in respect of the proposal are the impacts on the amenity of neighbouring residential properties and on any protected species that may be present within the site.

As the proposal will not harm the amenity of neighbours and will enhance biodiversity there is no material reason to warrant refusal and it is therefore recommended that Committee grant approval with conditions.

Recommendation(s) Approval

Justification

When assessed against the Unitary Development Plan and all other material considerations, particularly policies CS3, DQ1, DQ3, H10, NC1 and Supplementary Planning Guidance 'New Housing Development', the proposal complies with policy and is acceptable.

Conditions

1. T-1 Full Planning Permission Time Limit
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no window or door shall be added to the property to enable access to the flat roof elements of the dwellings unless expressly authorised.
3. M-6 Piling
4. P-5 Plant and machinery
5. a) A scheme of works for the proposed vehicular 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 access to the development has been constructed. These works shall be in accordance with the scheme approved under (a) above.
6. No part of the development shall be brought into use until visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 0.9 metres above the footway level of Kirklake Road. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 7. H-6 Vehicle parking and manoeuvring
 8. X1 Compliance

Reasons

1. RT-1
2. In order to protect the character and amenities of surrounding property and to comply with Sefton UDP Policies DQ1 and H10.
3. RM-6
4. RP-5
5. RH-2
6. RH-4
7. RH-6
8. RX1

Notes

1. 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 new property numbers.
2. 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 or development.control@technical.sefton.gov.uk for further information.

Drawing Numbers

907-001, 002A, 003A, 004A, 005A, 006, 010

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/1677 73-75 Kirklake Road Formby L37 2DA OSGR: 328551, 406767 Sheets: 254C Area: 2265 sqm		Standard Site Plan Scale: 1:1250 Date: 29/12/2010 Drawn By: EBERTON	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council License No. 1000181921</small>				Ward(s): Harington Postcode Sector(s): L37 2 Polling District(s): Q3, Q4 Parish(es): Formby C ₂	

This item was deferred by Committee at its meeting on 12 January 2011 for a site visit.

The Site

A backland site within the rear gardens of two large detached houses on the south side of Kirklake Road, Formby. To the south towards the boundary with properties on Bushbys Park is Tree Preservation Order Group 30 (G8).

Numbers 65 to 89 Kirklake Road benefit from rear garden depths of 52 to 72 metres, while the area to be severed from the rear of Numbers 73 and 75 has a width of 54 metres and a depth of 34 to 36 metres. This plot is of a greater size than that for the cumulative plot of Numbers 20, 18 & 16 Bushbys Park to the south.

Proposal

Erection of 2 detached two storey dwellings to the rear of 73 & 75 Kirklake Road with new access onto Kirklake Road.

History

There have been a significant number of approvals within Numbers 73, 75 & 77 Kirklake Road for backland residential development, the most recent of which are:

- N/2009/0346 - Outline application for the erection of 3 no. 2 storey detached houses. Approved 15 October 2009. *This related to Numbers 73 & 75 and forms the same application site boundary as this application.*
- S/2009/0066 – Outline Application (all matters reserved) for the erection of a two-storey detached dwellinghouse. Approved 17 February 2009. *This related to Number 73.*
- N/2001/0471 – Outline Application for the erection of one dwelling. Approved 5 July 2001. *This related to Number 73.*
- N/1993/0480 – Erection of two detached dwellinghouses (renewal of outline permission N/1990/0612 granted 17 August 1990). Approved 30 September 1993. *This related to Numbers 73 & 75.*
- N/1992/0027 – Erection of two dormer bungalows with garages (Renewal of N/1989/0038 granted 22 March 1989). Approved 27 February 1992. *This related to Numbers 75 & 77.*

Consultations

Highways DC – There are no objections to the proposal as there are no highway safety implications and that the proposed access and parking arrangements are entirely acceptable.

Environmental Protection Director – There are no objections to the proposal subject to two conditions relating to piling and noise abatement for plant and machinery being attached to any approval.

Neighbour Representations

Last date for replies: 27th December 2010.

Representations received: Letter of objection from Number 12 Bushbys Park.

Points of objection relate to loss of privacy and impact on existing wildlife.

Following the above dates, a petition objecting to the proposal with 34 (thirty four) signatories and endorsed by Councillor Dutton has been received. Points of objection relate to a number of non-material considerations in addition to concerns relating to disturbance caused through the residential use of the property in addition to the design of the properties not being in their taste.

Policy

The application site is situated in an area allocated as Primarily Residential on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
NC2	Protection of Species

Comments

This application was deferred at the 12th January 2011 planning committee to enable members to visit the site.

The principle for residential development to this site has been established by the extant outline permission N/2009/0346 and as such, the main issues to be considered in this application are the reduced number of dwellings and resultant increase in height over that condition in approving N/2009/0346.

The proposal seeks to develop two individually designed two-storey detached dwellinghouses on land to be severed from the rear of Numbers 73 & 75 Kirklake Road.

By virtue of their positioning away from public vantage points, and to the limited views into the site from neighbouring dwellings, the properties will not have a significant impact on the character of the area nor will they be read in conjunction with the form of existing residential properties to Kirklake Road and Bushbys Park.

The properties respond well to one another and to themselves and while they share a common form, there are variations to the arrangement of the elevations and the floor layouts to provide interest and differences between the two. Furthermore, the use of render, brick, glazing, coursed slate and timber boarding ensures that the proposed dwellings will set well within their surroundings.

As such, when considering the scale and appearance of the proposed dwellings the main issue to assess is the impact on neighbouring amenity through the increase in scale over the dormer bungalows of the extant outline permission with particular regards to overshadowing and outlook.

By virtue of the arrangement of the properties, there will be differences within the roof heights across each dwelling, with the maximum height of the roof not exceeding 7.2 metres in the case of Plot 1, and 7 metres in the case of Plot 2, with a chimney at Plot 1 extending to 7.6 metres in height. With ridge heights to the north side of Bushbys Park of approximately 6.5 metres and a 9.5 metre ridge height to No 73 Kirklake Road, it is evident that the scale of the dwellings is not out of character with the residential area.

A separation distance of over 14 metres will be retained from first-floor windows to both properties to the boundary with the neighbouring properties at Bushbys Park, and the distances between first-floor windows will be over 25 metres, both distances comfortably exceeding the requirements of Supplementary Planning Guidance 'New Housing Development'.

The form of the dwellings gives rise to the potential for the use of the sedum roofs to the first-floor as elevated terraces or first-floor gardens with the resulting detrimental impact on neighbouring amenity. As such, it is considered reasonable to attach a condition to any approval restricting access from the first-floor to these open areas.

In respect of the impact of the proposal upon protected species such as bats and red squirrels, an ecological survey was undertaken by the Lancashire Wildlife Trust on behalf of the applicant. The survey found that there was no evidence of bat roosts or suitable roosting positions within the trees to be removed from the site and that there were no signs of red squirrels nesting at the property. As the replacement tree planting to the properties will be of species suitable for red squirrels then there are no issues as to the impact on existing habitats, while the landscaping scheme will aid in improving the habitat for red squirrels.

With regards to the impact on protected trees and wider landscaping matters there have been proactive discussions between the Council and the applicant in order to achieve suitable natural screening to Bushbys Park and to ensure a variety of planting that are suitable to enhancing biodiversity. Furthermore, an amended plan has been requested in order to clarify the trees to remain and those that are proposed to be removed. These matters will be reported within late representations.

As the proposal complies fully with all aspects of the Unitary Development Plan, Supplementary Planning Guidance, Supplementary Planning Documents and all other material considerations then there is no reason to warrant refusal and the application should be granted consent with conditions.

Contact Officer: **Mrs S Tyldesley** **Telephone 0151 934 3569**

Case Officer: **Neil Mackie** **Telephone 0151 934 3606**

S/2010/1677

PETITION TO REFUSE THE PLANNING APPLICATION No. N3000016
FOR HOUSES TO REAR OF Nos.73 and 75 KIRKLAKE ROAD

	NAME (please print)	ADDRESS	SIGNATURE
1	JOYCE A BAILLY	20 BUSHBYS PARK L37 2EF	J. Bailey
2	PHILIP E. BAILLY	20 BUSHBYS PARK L37 2EF	P. Bailey
3	CHARLES W SOUTHERN	11 BUSHBYS PARK, L37 2EE	Charles Southern
4	William Reel	22 BUSHBYS PARK L37 2EF	W. Reel
5	KAREN CONNOR	10 BUSHBYS PARK L37 2EF	K. Connor
6	MARK FORSTER	10 BUSHBYS PARK L37 2EF	M. Forster
7	Hannah Foster	10 BUSHBYS PARK L37 2EF	H. Foster
8	JOHN A. CAMPBELL	8 BUSHBYS PARK L37 2EF	John Campbell
9	PAUL ICELLY	6 BUSHBYS PARK L37 2EF	P. Icelly
10	ANITA BENNETT-WARNE	5, BUSHBYS PARK L37 2EE	Anita Warne
11	JILL MORRIS	16 BUSHBYS PARK L37 2EF	J. Morris
12	STEVE GREEN	16 BUSHBYS PARK L37 2EF	S. Green
13	T. HUGHES	13 BUSHBYS PARK L37 2EF	T. Hughes
14	P. Wripley	26 Bushbys Park L37 2EF	P. Wripley
15	B. Creel	30, BUSHBYS PARK	B. Creel
16	R. PRESOTT	32. — u —	R. Presott
17	J. — u —	— u —	J. — u —
18	C BURTON	34 Bushbys Park	C. Burton
19	G. Cowan	27 Bushby Park	G. Cowan
20	D. S. PIPE	23 BUSHBYS PARK	D. S. Pipe
21	D. SIEBERT	21 BUSHBYS PARK	D. Siebert
22	H. A. WILKINSON	14 BUSHBYS PARK	H. A. Wilkinson
23	Norma Macdonald	14 BUSHBYS PARK	N. Macdonald
24	JEAN SCOPES	7 BUSHBYS PARK	J. Scopes
25	E. STENSON	12 BUSHBYS PARK	E. Stenson
26	J. STENSON	12 BUSHBYS PARK	J. Stenson
27	R. D. WILLIAMS	9 BUSHBYS PARK	R. D. Williams
28	S. M. WILLIAMS	— u —	S. M. Williams
29	E. V. MOORE	24 BUSHBYS PARK	E. V. Moore

This petition is supported by Cllr. Denise Dutton, Hoxington Ward - 6. 1. 11.