

APPLICATION NO:	15/00423/FUL
LOCATION:	Land To North West of the Junction of Coroners Lane, Pit Lane, Widnes
PROPOSAL:	Proposed erection of 2 no. detached dwellings
WARD:	Farnworth
PARISH:	N/A
AGENT(S) / APPLICANT(S):	Mr Jason Mullen, 256 Upton Lane, Widnes (Applicant) Mr Michael Young, Smith + McHugh Architecture, 1 Maryland Street, Liverpool
DEVELOPMENT PLAN ALLOCATION:	Unallocated Land In Urban Areas Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE REPRESENTATIONS:	No Yes
KEY ISSUES:	Visual amenity Impact on Character of the Area Trees Residential Amenity Highway Safety
RECOMMENDATION:	Resolution to refuse



1. THE APPLICATION

The application is for the erection of two dwellings on the site of the former garden of St Luke's Vicarage, on the corner of Coroners Lane and Pit Lane. The proposed dwellings are arranged over 3 floors, the one nearest the corner having two storeys above ground level and a basement (plot 2); the second having three floors, the third utilising the roof space of the dwelling (plot1).

Documentation

The application has been submitted with the requisite planning and advertising consent application forms, a complete set of plans and supporting information including; technical note in relation to highways; phase 1 desk top study; bat survey; tree survey; Design and Access Statement; copies of public consultation feedback sheets; copy of Council's pre-application response letter.

2. APPLICATION SITE

The Site and Surroundings

The application site is currently unused former garden land surrounded on two sides with a combination of a brick wall along the boundary and mature trees and vegetation behind. There is an existing property to the west, No.32 Pit Lane and the Vicarage dwelling to the north. There are mature trees around the boundary, some of which are protected and can be found under the Council TPO Ref:- 118.

Planning History

The site has short planning history, in 1988 223559F was a grant of planning permission for a garage, greenhouse and store in association with the Vicarage; 11/00102/FUL refused permission for a community centre, sports hall, access and parking; 12/00401/FUL was a withdrawn application for two dwellings; 13/00162/FUL granted permission for two dwellings which is extant until June 2016.

3. DEVELOPMENT PLAN CONTEXT

Halton Core Strategy Local Plan (2013)

The Core Strategy is the most up-to-date component of the development plan and provides the overarching strategy for the future development of the Borough; in this particular case the following policies are applicable and regard has been had to them:

CS2 Presumption in Favour of Sustainable Development

CS18 High Quality Design

Unitary Development Plan (2005)

The site is allocated as Primarily Employment land in the Halton Unitary Development Plan (UDP) and the key policies in respect to the application for full planning permission are:

BE1 General Requirements for Development

BE2 Quality of Design

BE10 Protecting the Setting of Listed Buildings

GE21 Species Protection

GE27 Protection of Trees and Woodland

PR14 Contaminated Lane

PR16 Development and Flood Risk

TP12 Car Parking

TP17 Safe Travel for All

New Residential Development Supplementary Planning Document

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

Paragraph 60 states the planning decisions should not attempt to impose architectural styles or particular tastes and they (local planning authorities) should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however proper to seek to promote or reinforce local distinctiveness.

196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

4. CONSULTATION AND REPRESENTATION

The application has been advertised under the Town and Country Planning (Listed Building and Conservation Areas) Regulations 1990 due to the proximity of the site to St Luke's Church.

Ward Councillors, the Council's Open Spaces, Environmental Health, Highways and conservation consultant have been consulted.

2 objections have been received as a result of the Councils neighbour consultation raising the following concerns which are paraphrased below:-

- Design of the dwellings is out of character with the surrounding area.
- Welcomes the more modern approach as opposed to the previously approved house type.
- The contrast in the dwellings do not match and create an awkward juxtaposition in the street scene.
- House 2 is a promising contemporary design, if not as high as the previous building on the site.
- More use of a duo-pitched roof could be used on part of the building that would sit more comfortably as a pair in the context of the area.
- New access onto Pit Lane could not be used safely given the amount of parked cars on the street when visiting the pub or the church.
- Not clear as to why the applicant has ignored pre-application advice to access both properties from Coroners Lane which would be the more sensible approach.

5. ASSESSMENT

Development Plan Policies

As the site is identified as Primarily Residential within the UDP and as such the proposal for two C3 residential units is supported in principal.

There are additional particular policies relating to this site concerning the protected trees – GE27 and the proximity of the site to the listed St Luke's church – BE10 and the Designing for New Residential Development Supplementary Planning Document. In addition Policy TP17 relates to the access to the dwellings and highway safety.

Further assessment below is based on these related detailed policies of the development plan related to design and layout, Policies BE2, BE10, GE27 and TP17 of the Halton UDP.

Design

The proposed dwellings are referred to as A and B in the submitted Design & Access Statement are also referred to as 1 & 2 on the layout drawings – A being 1 and B being 2. So that the reader can easily identify the dwellings, the assessment will refer to them numerically.

The applicants submitted Design and Access Statement includes a description of the design proposals and its objectives:-

“The design proposal aims to satisfy the design objectives and issues contained within the aforementioned Halton Borough Council design guides and national planning guidance documents. The proposal is for a 2No. two storey detached dwelling houses with further accommodation provided in the proposed roof of house (1). The overall footprint, massing and form of house (1) is intended to closely correspond to the existing adjacent semi-detached houses. Whilst House (2) adopts a more modernist style sitting very low within the site creating a secret garden feel and whilst simultaneously minimising and potential impact of the church.

Consideration has been given to HBC design guidance; B10-protecting the setting of a listed building. Within the design of the proposed houses, care has been taken to develop an architectural language which is complementary to the immediate context of the built environment and the context of the site condition itself. Avoiding any attempt merely to create a pastiche of the adjacent housing stock. The palette of materials, building form and position of the buildings on the site are all intended to ensure that the proposals are subordinate to the nearby St Lukes church and do nothing to detract from the important and significant listed building.”

Halton UDP Policy BE2 - Quality of Design, requires amongst other criteria, for development to:-

BE2.2

- respect and relate well to existing adjacent buildings and feature of townscape value and;
- to respect the nature and character of the surrounding area including its established arrangement and alignment of streets, building frontages, any architectural or historical characteristics, other structures and landscape features and their interrelationship.
- Be of a height, massing, density and layout that respects human scale.

BE2.3

- Original and innovative architecture will be encouraged provided that it respects the character and appearance of its setting.
- Where the existing area has little character or clear form then development should be designed to give a stronger identity to that area; developments of more than one building should have a co-ordinated overall design with consideration given to proper provision of access into and between the various elements of the scheme.

BE2.4

- Planning permission will not be granted for development that would have an unacceptable effect on the character of the surrounding area because of its external appearance and style.

These policy sentiments are carried forward into the Council's adopted Core Strategy Policy CS18.

It is considered that the design of both the buildings is at odds with that of the surrounding dwelling types and a further assessment of their impact is discussed further into this report under 'Area Character'.

Conservation

The Council's conservation consultant has assessed the application given that the proposal has an impact on the listed St Luke's church and has provided the following response:-

The character of the immediate area is of regularly spaced, paired semi-detached houses with hipped roofs, full-height bay windows, oriel windows, gablets, and chimneys. Brick and slate with rendered panels are the predominant materials.

House 1:-

The proposed use of brick for the facing material; the full-height bay-like feature; the regularly spaced window openings; and the introduction of rendered panels beneath the upper floor windows have tried to reflect some of the characteristics of the adjacent housing. However, House A remains detached; asymmetrical; has expressed gables to its pitched roof; and deeply recessed windows, all of which are uncharacteristic of the area. It lacks the regularity and rhythm of the neighbouring properties. This is illustrated quite clearly by the elevation analysis, which highlights the significant differences (eg existing windows project – proposed are recessed; columns of brickwork are narrower in the existing; proposed horizontal banding of brickwork not evident in the existing).

House 2:-

House 2 is also detached. It is of a completely different design to House A: flat-roofed, with cantilevered upper floor, timber- and stone-clad; full-height fenestration ordered in a much more regular rhythm. Rather than reducing the size of the footprint, this house has tried to reduce its impact on the area and the listed building, by using a flat roof, but its long, horizontal slab design sits uncomfortably with the squarer existing houses, and also proposed house A. It's footprint is much larger than that of a pair of neighbouring semis.

To facilitate access to House A, a large section of the sandstone wall to Pit Lane will be lost, to the detriment of the streetscene.

Neither of the two houses have embraced the rhythm or characteristics of the area (although House A has made some reference to these) and therefore lack context. Neither do they share common features. In consequence, they will be incongruous (not only with the existing buildings but also with each other) and visually intrusive, and will therefore have an adverse impact on the streetscene and the setting of the listed building.

Area Character

The character of this area of north Widnes is a mix of design along Coroners Lane, but has a predominance of pre-war semi-detached and detached properties along Pit Lane. The orientation of the layout and its location on the corner plot of the former Vicarage garden, means that the frontages correspond more to Pit Lane more than Coroners Lane. As such the impact of the proposal in terms of area character is particularly read in this context.

The two proposed properties are of distinctly different designs to one another. The flat roof dwelling, House 2, is located at the corner of the site and benefits from screening from the protected trees and the existing sandstone wall, which are both proposed be retained as part of the scheme.

The building itself, although different from the existing dwelling types which surround it, introduces an innovative design, elevation details and materials. However its shape and footprint to not correspond with the surrounding dwellings and the general formation of the surrounding street scape.

House1 differs from the House 2 and differs also from the nearest dwellings against which it would be read, No.131 and 129 Pit Lane. These area pair of circa 1930's semi-detached properties which retain all those features associated with the style of this era. For example bay windows, small paned windows, curved features and pediment projection above the 1st floor bedroom bay.

The proposed house type offers no relationship to these dwellings. The applicant's agent has produced a comparative analysis of the features of both the existing semi-detached dwellings and the proposed detached House 1 – Drawing No. 015. The conservation consultant has pointed out that this shows the differences between the property types, rather than their similarities, and the Council agrees with this.

The proposed dwelling is the same in width as both the adjacent semi-detached properties combined; window pane sizes are larger; the recesses box window feature does not resemble a 'bay window' and is different by definition; the recessed window box is 0.5m wider than the bay window; angular window and door features rather than the curvature of the semi-detached dwellings; gabled roof rather than hipped; no apex pediment projection or similar feature to it.

It should be noted that the architects for the scheme has used this style of house type from their portfolio in another scheme in Bidston on the Wirral. However this was a backland development of 4 dwellings of the same type. Because of this the dwelling type did not create juxtaposition in that existing street scene and had little impact on the area character.

Highway Safety

The access off Coroners Lane allows for a difficult manoeuvre within the site for a vehicle to turn and access and exit the site in a forward gear. This access as proposed offers poor visibility to the south especially for pedestrians, there is lack of detail on how the boundary treatment would be altered to accommodate suitable splays.

The new access onto Pit Lane will have a detrimental effect on the on street parking currently used by local facilities including the church. However, there is no provision to protect this on street parking on this section of highway and the property itself provides sufficient parking for its purpose. It is considered that an objection on the basis of highway safety on these grounds could not be sustained.

Access on to Pit lane will involve the removal of a large section of wall to provide for suitable vehicle and pedestrian visibility, this wall also retains the land behind and also includes trees. This could have an effect on the Street scene.

If the application were to be approved a construction management plan would be required; restrictive conditions relating to the provision of on-site hard standing; arrangement of a pre works inspection with the highways maintenance section and will be responsible for the cost of making good any damage caused by the implementation of the planning permission; a new

footway crossing will be required which needs to be constructed by the highway maintenance section at the applicants expense.

By virtue of deficiencies in the detail of the access and boundary treatments, especially on Coroners lane, and the proposed pedestrian visibility splays on Pit Lane, a full assessment of highway safety cannot be undertaken and as such the proposal fails to satisfy Policies BE1 and TP17 of the Halton UDP and the NPPF.

Trees and Ecology

There are Tree Preservation Orders in force at this site (TPO 118) but the area does not fall within a designated Conservation Area.

When comparing the submitted 15/00423/FUL Proposed Site Plan drawing with the FIG 1 Tree Constraints Plan contained within the March 2013 Tree Survey by A L Smith, it appears that proposed plot 1 compromises the RPA (root protection area) of trees numbered (on the March 2013 Tree Survey) 546 and 547. Tree 547 is also very close to the proposed new entrance driveway and there is a significant change in levels at present between road height (Pit Lane) and the ground height within the development area.

The driveway itself appears to encroach into the RPA of this tree and it is a concern that in order to facilitate this entrance, a significant area of root material will be compromised that could de-stabilise the tree.

Plot 2 also appears to be very close to the RPA's of protected trees OS2, 556 and 558. The submitted Proposed Drainage Plan drawing also details two soakaways constructed within the RPA's of protected trees which is not appropriate.

The submitted bat survey is fine but it is only a daytime survey that is seeking evidence of bat occupation. The survey appears to be only to ascertain if bats are present within the trees that the applicant wishes to remove.

As a consequence there is an unacceptable impact on the future health of the trees and there is insufficient information in relation to the presence of bats. As such the proposal fails to comply with Policies BE1, GE27 of the UDP, Core Strategy Policy CS20 and the NPPF.

Other Considerations

Residential Amenity

The proposal has been assessed against the guidance set out in the Council's adopted Design of New Residential Development Supplementary Planning Document. The windows of both the adjacent residential properties are protected by the proposed dwellings meeting the full interface distances

required for both; 13m between the side window of No. 131 Pit Lane and the side of House 1 and 21m between the rear windows of the former Vicarage and the rear of 1 at 1st and 2nd floor, but does not comply with the proposed windows of the 3rd floor which require an interface of 24m.

Both properties provide sufficient private garden space and refuse storage areas and meet the SPD guidance in this regard.

In conclusion it is considered that the proposed 3-storey dwelling, House 1, will result in an unacceptable impact on the privacy and amenity of the occupiers of the former Vicarage and fails to comply with Policy BE1 and BE2 of the Halton UDP and Design of New Residential Development SPD.

SUMMARY AND CONCLUSIONS

In summary of the above, whilst the proposal of two dwellings in this location is acceptable in principle, it is apparent from the submitted information and drawings that the scheme is deficient in terms of design, highway safety and impact on the protected trees.

The scheme results in two differently designed buildings which in combination result in a harmful impact on the listed building of St Luke's church. In addition it is likely that a section of the existing sandstone wall will also be required to be removed to allow for visibility splays, which will contribute to this impact. As such it is considered that the proposal fails to comply with UDP Policy BE10, Core Strategy Policy CS20 and the NPPF.

The scheme results in a development of two dwellings of differing character, neither of which resemble the appearance and layout of the existing residential area and when considered together, result in a confusion of architectural styles which jar in the street scene to the detriment of the character of the area. As such it is considered that the proposal does not comply with the requirements of UDP Policy BE2, Core Strategy Policy CS18 and the NPPF.

8. RECOMMENDATION

The application is recommended for refusal as the proposal:-

1. By virtue of its inappropriate design and layout, the proposal results in an adverse impact on the setting of the listed building of St Luke's church which fails to comply with Policy BE10 of the Halton UDP, Core Strategy Policy CS20 and the NPPF.
2. By virtue of the design, appearance and layout, the proposal and both dwellings result in a juxtaposition in the street scene, resulting in a detrimental impact on the character of the area which fails to comply

with Policies BE1 and BE2 of the Halton UDP, Core Strategy Policy CS18 and the NPPF.

3. By virtue of the proximity of the 2nd floor rear bedroom windows to the rear habitable room windows of the former Vicarage dwellings, House 1 will result in a harmful impact on the privacy and amenity of the occupiers of this existing property and fails to comply with Policies BE1 and BE2 of the Halton UDP and the Design of New Residential Development SPD.
4. By virtue of deficiencies in the detail of the access and boundary treatments, especially on Coroners lane, and the proposed pedestrian visibility splays on Pit Lane, a full assessment of highway safety cannot be undertaken and as such the proposal fails to satisfy Policies BE1 and TP17 of the Halton UDP and the NPPF.
5. By virtue of the layout, the proposal will have an unacceptable detrimental impact on the future health of protected trees and as a result fails to comply with Policies BE1 and GE27 of the Halton UDP, Core Strategy Policy CS20 and the NPPF.
6. The submitted bat survey is limited in the information provided and therefore the proposal provides insufficient details in relation to the existence of protected species. As such the proposal fails to comply with Policy BE1 of the Halton UDP and NPPF.

9. SUSTAINABILITY STATEMENT

As required by:

Paragraph 186 – 187 of the National Planning Policy Framework;

The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.