

Planning Committee

23 January 2014

Reference:
APP/13/01380

Area Team:
North Team

Case Officer:
Mrs S Lacey

Ward:
Claughton

Location: 17 VYNER ROAD SOUTH, BIDSTON, CH43 7PN
Proposal: The development of 12no 2 storey residential dwellings, ancillary buildings and associated access

Applicant: Macbryde Homes
Agent : N/A

Site Plan:



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Development Plan allocation and policies:
Density and Design Guidelines Area

Primarily Residential Area
Urban Greenspace
Site of Biological Importance

Planning History:

Location: Westmount, 23 Vyner Road South, Bidston, Wirral, CH43 7PN
Application Type: Outline Planning Permission
Proposal: Erection of 12 detached 2 storey houses with garages and access road.
(Outline).
Application No: OUT/05/06574
Decision Date: 16/09/2005
Decision Type: Approve

Location: Westmount, 23 Vyner Road South, Bidston, Wirral, CH43 7PN
Application Type: Reserved Matters
Proposal: Erection of 12 detached 2 storey dwellings with garages and access road
Application No: DLS/08/05989
Decision Date: 22/08/2008
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Councils Guidance on Publicity for Applications, 15 letters were sent to adjacent properties and a site notice displayed. One individual objection has been received from No.15 Vyner Road South, citing the following concerns:

1. Lack of consultation with immediate neighbours,
2. Permission DLS/08/05989 has not been implemented. The permission contains conditions which must be satisfied prior to commencement of development. It is clear from the letter dated 23 December 2010 to Paddock Johnson Partnership that written approval was not forthcoming before the then property owner sought to implement the planning permission. Accordingly, any such works were unlawful and in those circumstances permission DLS/08/05989 cannot have been implemented. Anything to the contrary contained in the letter of 23 December 2010 is irrelevant.
3. The drawings are misleading - No.15 Vyner Road South is incorrectly shown on the drawings submitted with the planning application.
4. Overlooking generally from plots 10, 11 and 12
5. There is an inadequate landscape buffer along that entire boundary.
6. There are restrictive covenants affecting the site
7. The scheme seeks to incorporate in Plot 9 part of No.15 registered title.

CONSULTATIONS

Head of Environment & Regulation (Traffic & Transportation Division) - No objections

Head of Environment & Regulation (Pollution Control Division) - No objections

Merseyside Fire and Rescue Service had no objection and commented on the application in relation to Section 55 of the County of Merseyside Act 1980

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application seeks permission for the erection of 12 dwellings which is defined as Major Development and is therefore required to be determined by the Planning Committee under the provisions of the Council's adopted Scheme of Delegation for Planning Applications.

INTRODUCTION

The proposed development takes the form of 12 two-storey dwellings with ancillary buildings and

access of Vyner Road South.

The application forms an amendment to a previously approved scheme for 12 dwellings (reference OUT/05/06574 and DLS/08/05989). The previous proposal has been implemented in the form of the excavation of concrete foundations and damp proof course. These sub-structural works are considered to constitute commencement of development. This permission could be completed at any time and there was no previous requirement for the provision of affordable housing. Subsequently there was a change in the ownership of the land, and the new owner MacBryde Homes Ltd wish to make minor alterations to the layout of the proposal. It is considered the changes to layout and floorplans proposed are too significant to be considered under a non-material amendment application. In the absence of a condition allowing for a minor material amendment (i.e. to vary the approved plans), the applicant has resubmitted the application.

The layout mirrors the previous permission. The alterations include a reduction of private driveways onto Vyner Road South from 3 to 1 (plot 5). The development has been altered to push the development further into the middle of the site, increasing the separation distances between the houses and the eastern boundary, thereby reducing the impact to No.15 Vyner Road South. There remains 5 houses adjacent to the street scene. The design now incorporates a mixture of integral and detached garages, which increases the diversity of the proposal and reduces repetition. The scale of the properties remains two-storey, and the design remains in an Arts and Crafts style with large pitched roofs.

PRINCIPLE OF DEVELOPMENT

The application site lies within Zone 1 of the Noctorum Ridge Design and Density Guidelines Area and is part of the Primarily Residential Area where new housing development can be permitted subject to compliance with Policy HS4 'Criteria for New Housing Development' and HS5 'Design and Density Guidelines in the Unitary Development Plan.

SITE AND SURROUNDINGS

The site is located within land designated as a Primarily Residential Area and Density and Design Guidelines Area under the Wirral Unitary Development Plan. The area is characterised by low density large properties of mixed design on substantial plots. The area is one of distinctive environmental quality with an abundance of mature trees and shrubs.

The application site was occupied by a single dwelling. There are wooden fences, trees and vegetation to the boundaries of the site. The site measures 170 metres in width along Vyner Road South and has a total area of approximately 1.2 hectares (0.49 acres). The site is relatively rectangular in nature, with its frontage running alongside Vyner Road South and is situated between two residential plots, No 15 Vyner Road South to the east and No. 39 Vyner Road South to the west. Both of which are large detached dwelling houses with similarly proportioned gardens. To the south, the site is enclosed by The Wirral Ladies' Gold Course.

POLICY CONTEXT

The proposal is for the erection of houses and is assessed primarily against the following policies.

Wirral Unitary Development Plan

Policy HS4 - Criteria for new housing development . This requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

Policy HS5 - Density and Design Guidelines. This sets out a maximum density of 10 dwellings per hectare.

Policy TR9 - Sets out the requirement for off street parking provision within new development and road safety and traffic management considerations.

Policy GR5 - This policy establishes the requirement for new developments to make a positive visual statement through new landscaping and the protection of existing landscape features.

SPG2 - Design and Density Control Guidelines: Noctorum Ridge. These sets out a maximum density of 10 dwellings per hectare, and places emphasis that the environmental quality of the area should be retained from harm and particularly account should be made to the retention of existing trees and ground cover.

The National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012 and supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area. Local Planning Authorities are expected to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Planning policies and decisions should optimise the potential of sites to accommodate development.

UDP Policy HSG2 and Policy HS6 provides for affordable housing to be negotiated on sites coming forward for new housing development. Since the previous approvals in 2008 (reference OUT/05/06574 and DLS/08/05989) there have been changes which now trigger a requirement to provide affordable housing at this site through the findings of the SHMA and Affordable Housing Viability Assessment by the Council on 13 December 2010 (item 65 refers). The findings have been carried forward in the Core Strategy Proposed Submission Draft - Policy CS22, which sets out the current affordable housing requirement in market housing schemes of 5 dwellings or more at:20% outside areas of greatest need, subject to viability (Cabinet minute 92 (27/9/12) and Council minute 60 (15/10/12 refer). A replacement SHMA will be published for further consideration before the Core Strategy is submitted for public examination later this year.

The application is accompanied with an Affordable Housing Statement. It is not the intention of the applicant to supply affordable housing as part of the planning application. In this instance, the material consideration is that there is an implemented application for 12 dwellings on the site which has no requirement for affordable housing, and the purpose of this application is to grant some minor amendments to the layout of the scheme. The Government has introduced guidance relating to 'Greater Flexibility' where a condition is recommended that allows for proposals to be amended through a variation of condition. This guidance has emerged since the previous approvals and as such a condition of this type was not imposed. As a result a full application is required for the amendments and it is considered that the implemented permission and the absence of a condition allowing for a minor material amendment (now recommended by the "Greater Flexibility" guidance) is a material consideration. With this in mind, it is considered reasonable not to pursue a provision of affordable housing.

APPEARANCE AND AMENITY ISSUES

The streetscene is comprised of large detached houses with extensive gardens. The combination of low density and mature vegetation creates an area of considerable environmental quality. The proposed buildings are considered acceptable in scale, design and density, and is deemed to retain the environmental quality of the area. The proposed buildings are large detached properties in brick and render, with varied elevations and tall hipped roofs. The proposed dwellings will introduce a new design element, which is not considered to undermine the character of the area. The set back from the boundaries takes account of the existing trees and enables some of the existing landscaping to remain with additional landscaping proposed, and softening the impact of the building. The proposal provides a sufficient amount of amenity space for all dwellings, with the average garden length of 14m. The proposal reflects the scale and density of development on Vyner Road South. It is considered the design of the proposed building will compliment the street scene and make a positive visual contribution to the street scene.

The application for 12 dwellings is considered acceptable under the maximum permitted density as set out in UDP Policy HS5 and SPG 2: Noctorum Ridge Density Guidelines. The proposed layout, massing and scaling is deemed consistent with residential properties adjacent and makes good use of the land. The spacing of the properties when viewed from Vyner Road South ensure a visual break remains between the existing and proposed dwellings. Each dwelling has adequate amenity space and achieves the required separation distances to neighbouring properties. The proposed dwellings come closer to the highway than the existing properties either side, however this is not considered detrimental to the established building line, which does not follow a linear layout. The proposed layout is not deemed to result in a significant increase of loss of privacy, overshadowing or loss of outlook to neighbouring properties. The proposal is not considered to form a visually obtrusive feature when viewed from neighbouring properties. It is deemed reasonable to remove permitted

development rights for extensions to control further alterations to the building, which may have an adverse impact on neighbouring properties.

In response to neighbour objections, the Council has a record of the previous application being implemented. Whilst work was commenced prior to the discharge of pre-commencement planning conditions, this does not make the development unlawful or void. The proposed dwellings have been moved further away from No.15, and as such the proposal is considered to have a lesser impact on No.15. Notwithstanding this, both this proposal and the previous permission met the required separation distances. A landscaping condition can be conditioned to reduce the impact on No.15. Legal covenants do not fall within planning remit. Certificate A has been signed declaring the site is within the applicant's ownership.

SEPARATION DISTANCES

Habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three-storey development adjacent to two-storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

The proposal is not considered to result in overlooking or loss of privacy to neighbouring properties. Properties opposite the proposal on Vyner Road South are 50 metres away from the proposed dwellings. There are no residential properties to the south of the site. There are no principle windows on the side facing elevations of No.15 and No.39 Vyner Road South. Plots 9-12 have 14m long gardens, meeting the interface distances to No.15. Plot 1 is orientated so the rear windows face towards the front garden of No.39, which is considered semi-public open space, and there is a minimum 10m rear garden which complies with the interface distances. Vyner Court is set 30m away from the property on plot 2, and the orientation of the building prevents direct overlooking. It is considered the separation distances between the proposed dwellings comply with the guidelines which will ensure that there will be no unacceptable loss of light or privacy to neighbouring properties.

HIGHWAY/TRAFFIC IMPLICATIONS

The application proposes two cul-de-sacs feeding off Vyner Road South, and plot 5 has a private driveway onto Vyner Road South. The Head of Environment and Regulations (Highway Management) had no objection to the proposal. The parking spaces comply with the standards set out in SPD4. It is not considered to result in congestion on the highway.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Under policies HS5 and GR7 it is necessary to preserve the wooded character of the area and to provide for the protection of important features such as established trees and shrubs. The applicant has submitted a method statement of arboricultural works to demonstrate how the scheme will successfully achieve this. There are no environmental/sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposal is considered acceptable in design, scale and siting, and is not considered to result in loss of amenity to surrounding properties. The development satisfies the relevant Wirral Unitary Development Plan Policies HS4, TR9 and GR5 and Supplementary Planning Guidance Note 2, and the National Planning Policy Framework.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is considered acceptable in design, scale and siting, and is not considered to result in loss of amenity to surrounding properties. The development satisfies the relevant Wirral Unitary Development Plan Policies HS4, TR9 and GR5 and Supplementary Planning Guidance note 2, and the National Planning Policy Framework.

Recommended Approve
Decision:

Recommended Conditions and 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 permitted shall be carried out in accordance with the approved plans received by the local planning authority on 13 November 2013 and listed as follows:

Ref 13058 - 108 D
Ref 13058 - 109 D
Ref 13058 - 110 B - A1 Floor Plan
Ref 13058 - 111 A - A1 Roof Plan
Ref 13058 - 112 B - A2 Floor Plan
Ref 13058 - 113 A - A2 Roof Plan
Ref 13058 - 114 B - B1 Floor Plan
Ref 13058 - 115 A - B1 Roof Plan
Ref 13058 - 116 B - B2 Floor Plan
Ref 13058 - 117 A - B2 Roof Plan
Ref 13058 - 118 C - C1 Floor Plan
Ref 13058 - 119 A - C1 Roof Plan
Ref 13058 - 120 C - C2 Floor Plan
Ref 13058 - 121 A - C2 Roof Plan
Ref 13058 - 122 B - A1 Front and Side Elevation
Ref 13058 - 123 B - A2 Front and Side Elevation
Ref 13058 - 124 B - A1 & A2 Rear Elevation
Ref 13058 - 125 B - B1 Front and Side Elevation
Ref 13058 - 126 B - B2 Front and Side Elevation
Ref 13058 - 127 B - B1 & B2 Rear Elevation
Ref 13058 - 128 B - C1 Front & Side Elevation
Ref 13058 - 129 B - C2 Front & Side Elevation
Ref 13058 - 130 B - C1 & C2 Rear Elevation
Ref 13058 - 110 - O - C
Ref 13058 - 111 - O - B
Ref 13058 - 143 - O
Ref 13058 - 144 - O
Ref 13058 - 112 - O - C
Ref 13058 - 113 - O - B
Ref 13058 - 153 - O
Ref 13058 - 154 - O
Ref 13058 - 114 - O - C
Ref 13058 - 115 - O - B
Ref 13058 - 141 - O
Ref 13058 - 142 - O

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

3. NO DEVELOPMENT SHALL TAKE PLACE BEFORE 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. 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. PRIOR TO THE FIRST OCCUPATION OF ANY OF THE DWELLINGS HEREBY APPROVED, details of all boundary treatments shall be submitted to and agreed in writing with the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details prior to the occupation of the development, and retained thereafter.

Reason: To ensure a satisfactory external finish in the interests of visual amenity and to comply with Policy HS4 of the Unitary Development Plan.

5. NO DEVELOPMENT SHALL TAKE PLACE BEFORE a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

6. NO DEVELOPMENT SHALL TAKE PLACE BEFORE full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

7. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details and a timetable of works for the construction of the new junctions and accesses onto Vyner Road South have been submitted to and approved in writing by the Local Planning Authority. The junctions and accesses shall be implemented in full in accordance with the approved details and timetable.

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

Further Notes for Committee:

Last Comments By: 19/12/2013 13:14:21
Expiry Date: 12/02/2014