

Planning Committee

16 April 2014

Reference:
APP/13/01510

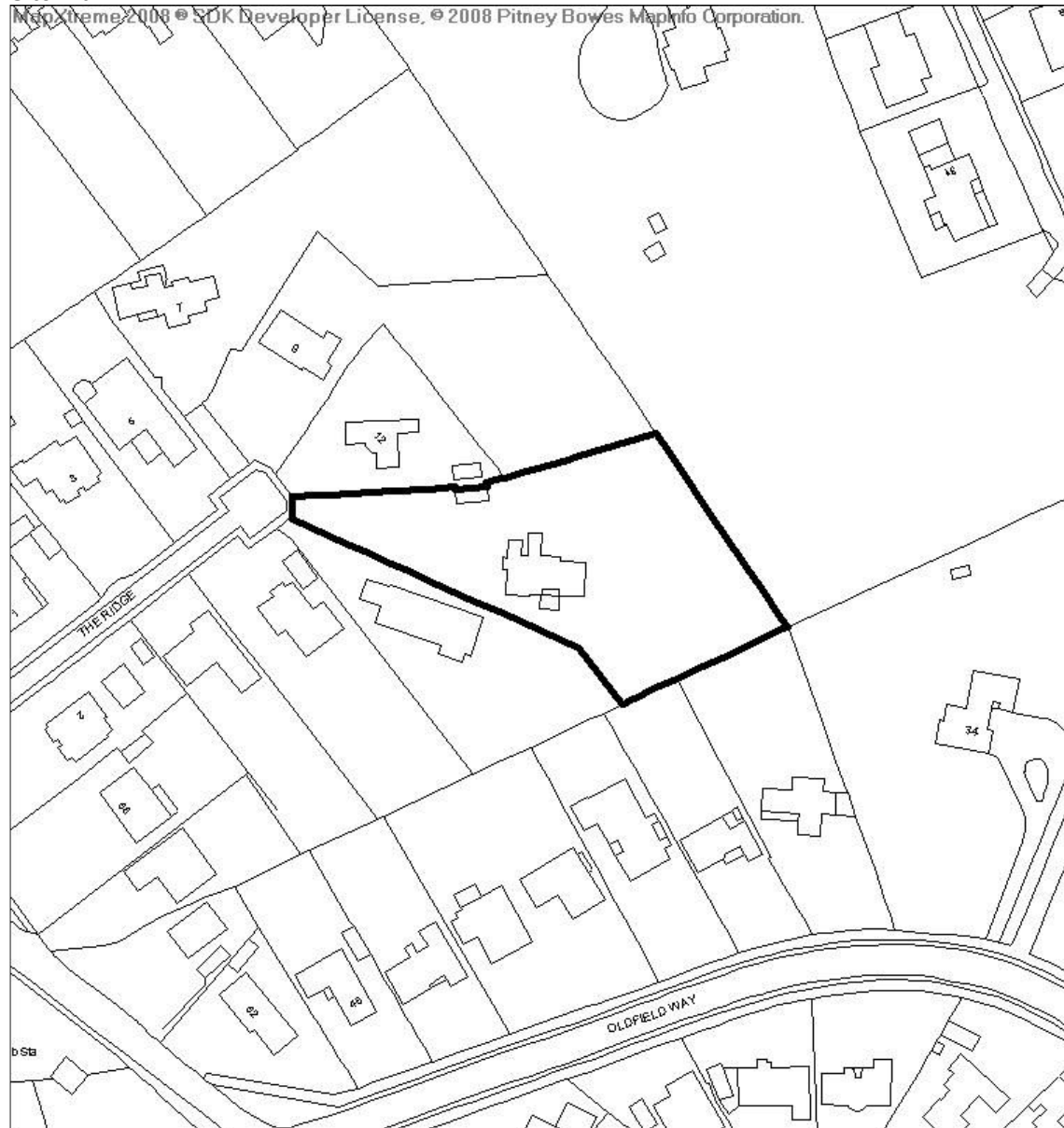
Area Team:
South Team

Case Officer:
Mr K Spilsbury

Ward:
Heswall

Location: 10 THE RIDGE, HESWALL, CH60 6SP
Proposal: Construction of two detached houses
Applicant: Mr Manchett
Agent : SHACK Architecture Ltd

Site Plan:



Development Plan allocation and policies:
Primarily Residential Area

Planning History:

Location: 10 THE RIDGE, HESWALL, CH60 6SP
Application Type: Full Planning Permission
Proposal: Demolition of existing dwelling and the erection of 1 no. replacement dwelling together with associated external works and garage.
Application No: APP/12/00978
Decision Date: 22/03/2013
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, 14 notifications were sent to adjoining properties. A Site Notice was also displayed. At the time of writing this report representations have been received from the occupiers of 5, 6, 8, 9 & 12 The Ridge, 34, 36 and 40 Oldfield Way. These objections can be summarised as follows:

1. The development will result in traffic congestion, access problems for emergency vehicles and parking problems
2. The development represents over development of the site.
3. Waste drainage problems will become exacerbated by two additional dwellings
4. Trees/shrubs and bushes have all been removed to make the site appear larger. Boundaries are now a mess
5. Drawings submitted with the scheme show trees that are no longer there.
6. The proposed buildings are located too close to the boundaries of other properties.
7. Impact of the development on the roots of mature trees.
8. Building works have already commenced on site in the form of clearing trees and vegetation.
9. Impact of the development on badgers using the site.
10. Loss of privacy as a result of new windows and observation platforms overlooking No.12 The Ridge.
11. The proposed boundaries are inaccurate in particular with regards to the boundary north of the plot adjoining No. 12.
12. The siting of the hedgerow running along the boundary with 12 The Ridge is not solely within the ownership of the site and as such it can not be removed.
13. The scale size and style of the buildings is alien to the locality. The development will be visually dominant.
14. Excavation of the site has taken place in violation of the conditions already in place.
15. Overlooking of 36 Oldfield drive
16. Two large properties at the bottom of the garden of 36 Oldfield Drive will devalue the property.

A qualifying petition has also been submitted containing 25 signatures in objection to the scheme.

CONSULTATIONS

Head of Environment & Regulation (Traffic and Transportation Division) – no objections

Head of Environment & Regulation (Pollution Control Division) – no objections.

Wirral Wildlife - Objection raised as a result of the effects on biodiversity due to the loss of trees on the site. The area is known to local naturalists as a useful corridor for the movement of animals. The proposal is very close to the boundary and should therefore be moved away. The timber removed may need a forestry commission felling licence which may entail replacement planting.

United Utilities - No Objection

Director's Comments

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of objection has been received in objection to the proposal and as such, having regard to the Scheme of Delegation for Determining Planning Applications, this application is required

to be considered by the Planning Committee.

INTRODUCTION

The proposed development is for the demolition of the existing dwelling and the erection of 2 no. detached dwellings together with associated external works and detached garages.

PRINCIPLE OF DEVELOPMENT

The site is located within a primarily residential area and as such the principle of the development is acceptable subject to the criteria set out in Policy HS4 of the adopted Wirral Unitary Development Plan.

SITE AND SURROUNDINGS

The site is located on a corner plot at the head of the Warren, a small cul-de-sac in Heswall. The existing property has been demolished and a number of trees and shrubs have been cleared in preparation of the development.

Surrounded residential properties vary in age, style and appearance but are generally two storey.

The site has a large garden area to the front, extending over 40m from the foot print of the original dwelling house towards the access point into the site from the road. There is also a rear garden, which extends some 30m to the rear boundary.

The site is well screened from the neighbouring dwellings by existing trees and shrubs. There is also a small copse of trees located at the rear of the site that forms part of a wider wildlife corridor that extends from the north of the site.

The neighbouring properties 6 and 8 The Ridge are two storey, dormer bungalow dwellings. 12 The Ridge is a two storey dwelling house that has previously been extended. There is a detached garage within the curtilage of the site that lies along the side boundary of 12 The Ridge.

POLICY CONTEXT

Policies HS4, GR5, NC01 and NC7 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework (NPPF) are directly relevant in this instance.

Policy HS4 states that proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development, the proposal not resulting in a detrimental change in the character of the area, the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5 and the provision of adequate individual private or communal garden space to each dwelling. In addition adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

Policies NC01 and NC7 relate to nature conservation and species protection. In this respect the Local Planning Authority will not approve any development that would have an adverse impact upon wildlife species protected by law unless the Local Planning Authority can be sure that the species can be protected by planning condition

The main thrust of the National Planning Policy Framework is for the delivery of sustainable development on sustainable sites. As the development is for a replacement dwelling the scheme is considered sustainable.

APPEARANCE AND AMENITY ISSUES

The proposal is for the erection of two large, detached dwellings located towards the eastern boundary of the plot and two associated double garages. Each property is accessed by a shared drive from the Ridge and has its own private amenity space.

The site benefits from planning permission for the demolition of existing dwelling and the erection of

1no. replacement dwelling together with associated external works and garage (APP/12/00978).

Both of the proposed dwellings have 5 bedrooms with external terrace areas and private gardens to the rear. The dwellings are unique in design but are tied together by the materials including timber cladding and rendered walls with artificial slate, mid grey windows and rainwater goods and natural stone used in the retaining walls and terraces.

Having regard to the Council's Guidance on Publicity for Applications, 14 notifications were sent to adjoining properties. A Site Notice was also displayed. At the time of writing this report representations have been received from the occupiers of 5, 6, 8, 9 & 12 The Ridge, 34, 36 and 40 Oldfield Way.

The main thrust of the objection relates to the general character of the development, impact upon neighbouring properties, the density, trees and wildlife.

It is considered that the overall plot size is relatively generous when compared to the surrounding plots. The applicant states that the overall plot size is 2336m² which is more than double that of No. 8 The Ridge measuring approximately 1120m² and 3 times as big as 12 The Ridge measuring approximately 735m². As such, in terms of density, the plot can easily accommodate two large dwellings without detriment to surrounding residential properties.

Neighbouring properties are also concerned about the loss of trees on the site, stating that building work has commenced on site and the conditions protecting trees contained within the previous consent have not been adhered to.

Whilst the previous planning consent had a number of pre-commencement conditions that were aimed at protecting the trees within the site there was never a tree preservation order protecting them. The applicant states that the clearance was undertaken by the owner of the site and not in connection with the planning consent APP/12/00978. This was submitted by a third party (Mr Booth) who no longer have any ties with the site.

In accordance with policies NC01 and NC7 of the Wirral Unitary Development Plan an Ecological scoping survey/badger survey was been submitted. It concludes that Badger Activity was taking place in and around the site however a series of suitably worded conditions could mitigate against any potential harm. Should members be minded to approve the scheme conditions for wild life protection will be applied

The impact of the loss of woodland habitat, the impact of the development on the roots of mature trees and its ecological impact was also flagged up as a concern by local residents and Wirral Wildlife. However it is for the Council decide that this loss is acceptable and would need to ensure that the developer provides sufficient compensation in the form of replacement trees and other habitat provision to compensate for the loss. The local planning Authority has considered that as there are no tree preservation orders on the site and any potential harm to wildlife in the area can be mitigated against by applying appropriately worded conditions the development is considered to comply with policy NC01 and NC7 of Wirrals' UDP.

In addition concern over the excavation of the site has already taken place is carried out at the risk of the developer.

Concern has been raised with regards to the impact of the dwelling on the neighbouring site in terms of the proximity of the new dwellings to the neighbouring dwellings. The LPA standards are outlined within SPG11. This states; that 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. Following consultation with the applicant the Local Planning Authority has requested a plan showing how the proposed scheme will effect the surrounding residential properties. This plan conclusively proves that the standard separation distances are easily met by the proposed scheme as all window to window and window to wall distances are more than met. At its closest point dwelling 2 will be 22.9m from 12 The Ridge and 26.4m to 8 The Ridge. Dwelling 1 will be 28m from 8 The Ridge, 26m from 40 Oldfield Way, 30m from 38 Oldfield Way, 27m from 36 Oldfield Way and 42.7m from 34 Oldfield Way.

With regards to the design the NPPF places an emphasis on the delivery of sustainable development on sustainable sites. Paragraph 6 requires Local Authorities to deliver a wide choice of high quality homes and to boost the supply of housing. Paragraph 7 is a requirement for good design. The Government attaches great importance to the design of the built environment. Having considered the proposal the design of the area and the accommodation proposed it is considered that the design is acceptable given the context of the site in relation to the surrounding dwellings. The area contains a mixed design pallet. All dwellings on The Ridge are large, detached properties set within their own grounds. There are a mix of materials in the area and as such the proposed scheme will not appear out of context or character in this area of mixed design. The plans indicate that the dwelling will have a modern appearance with timber and render elements. The roof will be imitation slate tiles. Should members be minded to approve the scheme a condition to agree materials prior to commencement of development can be applied. With regards to policy GR5 - Landscaping And New Development a further condition can be attached to secure an appropriate landscaping scheme to ensure the boundary treatments are effective and the woodland character of the site is brought back.

Concern from the proposed occupier of 12 The ridge relates specifically to the boundaries being inaccurate with particular with regards to the boundary north of the plot adjoining No. 12. The Local Planning Authority has requested that the developer investigate this and as such the boundary has been amended to that of the approved application APP/12/00978 which the occupier of No.12 sates to be correct. The occupier of 12 also states that the siting of the hedgerow running along the boundary with 12 The Ridge is not solely within the ownership of the site and as such it can not be removed. This however is not a planning matter and as such refusal on these ground can not be sustained.

Neighbour objections have also picked up that the drawings submitted with the scheme show trees that are no longer there. This has been highlighted to the developer by the Local Planning Authority and an amended plan has now been received.

In terms of neighbouring concerns relating to the scale the dwellings. The new build will have the appearance of two large, two storey detached dwellings. This is not uncommon within the area and as such it is considered that they will not appear out of context with the local vernacular. The neighbouring dwelling 12 The Ridge has been extensively extended with a large two storey extension (APP/03/7552). 8 The Ridge is a large dormer dwelling with a relatively large footprint. There is extensive screening along both boundaries that screen the neighbouring sites from the development site, in addition new tree planting is proposed along both boundaries. It is considered that the new dwellings will be located a sufficient distance away from each of these immediate neighbours so as not to introduce any adverse impact in terms of residential amenity. The site is slightly elevated at the eastern boundary where the new dwellings will be constructed but it will be set against the back drop of the existing mature trees forming the wooded area to the rear. As such it is not considered to impinge upon visual amenity or be overbearing or out of character. A landscaping condition will help to ensure the new dwelling will also blend into the area.

The proposed dwellings are considered to be a sufficient distance away from 12 The Ridge so as not to result in overshadowing at an unacceptable level or introduce any overlooking to the detriment of residential amenity. As stated above the new dwelling proposed on plot 2 will be located 22.9m from the neighbouring property at its closest point and will be partially screened by a number of existing trees and shrubs running along the northern boundary. It is therefore considered that the introduction of a new dwelling at this location would not sufficient overshadowing of the adjacent properties to warrant refusal of the scheme or overlooking into their property that would be detrimental to residential amenity. As the south facing windows in the first floor of dwelling 1 adjacent to the boundary of 36 Oldfield Way are secondary a condition can be imposed to ensure that these windows are obscurely glazed and fixed to prevent any form of overlooking should members be minded to approve the scheme.

All traffic and transportation considerations, including car parking are dealt with below. The new vehicular and pedestrian access into the site is not considered to result in any more noise and disturbance than any other vehicular and pedestrian access into the surrounding properties. The Director of Law, HR and Asset Management - Environmental Health Division has been consulted and raised no objection to the proposed scheme.

Further concern has been raised regarding waste drainage problems that will become exacerbated by the two additional dwellings and that two large properties at the bottom of the garden of 36 Oldfield Drive will devalue the property. These are not planning matters and therefore a refusal can not be sustained on these objections.

In summary, the proposal is considered suitable for the site and is not considered detrimental to the character of the area. The proposal is not considered to have an adverse impact on the amenities which the occupiers of neighbouring properties can reasonably expect to enjoy. The proposed new dwelling have adequate levels of amenity space and off-street parking. The proposal complies with Policy HS4, GR5, NC01 and NC7 of the Wirral UDP and the provisions of the NPPF and is recommended for approval.

SEPARATION DISTANCES

SPG11 states that 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. At its closest point dwelling 2 will be 22.9m from 12 The Ridge and 26.4m to 8 The Ridge. Dwelling 1 will be 28m from 8 The Ridge, 26m from 40 Oldfield Way, 30m from 38 Oldfield Way, 27m from 36 Oldfield Way and 42.7m from 34 Oldfield Way. Separation distances are therefore easily met.

Should members be minded to approve the proposed scheme those windows in the south elevation facing the 36 Oldfield Way can be obscurely glazed with frosted glass to prevent views in the rear garden. The proposal is therefore not considered to result in direct overlooking to neighbouring properties.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway implications relating to this proposal. The Director of Technical Services Traffic Management Division has raised no objection to the proposed scheme. In response to the objections raised in relation to traffic and parking difficulties arising as a result of the development, the proposal has made provision for ample off-street parking for more than one car within each plot. The siting of the proposal is not considered to impact on visibility or traffic safety in the vicinity and therefore complies with Policy HS4.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The applicant has submitted an ecological report in accordance with UDP policy NC01 and NC7 (The Warren, The Ridge, Heswall, Updated Badger Survey, The Tyrer Partnership, survey dated 20 January 2013). Under the previous application MEAS had reviewed the report and advise that the survey has been undertaken by a suitably qualified ecologist, using appropriate methods, at a suitable time of year and is acceptable. The survey data and reports will be forwarded to Merseyside BioBank but the results will be kept confidential. The report advises that holes noted on-site were not used by badgers as setts. However, badger activity is occurring in the area as evident from badger hair on a fence. As advised within the ecology report (paragraph 5.1) reasonable avoidance measures should be adopted to prevent harm to badgers should they venture on-site. These measures should be detailed within a Construction Environmental Management Plan which can be secured by a suitably worded planning condition. Trees and woodland are to be lost to the development which would mean a loss of badger foraging habitat. The ecology report provides recommendations to compensate for this loss of woodland (paragraph 5.2). These mitigation measures would provide suitable habitat for badger foraging. In addition, planting of fruit trees such as apple or pear would provide further badger forage. Following development, badgers should not be excluded from the site therefore boundary fencing should provide access points to badgers once construction is complete. Badger access and habitat provision measures can be secured by a suitably worded planning condition. The proposed woodland planting within the ecology report does not address the loss of the woodland. This issue should still be considered prior to the Council making their decision.

Wirral Wildlife state that it would be better for the building to be constructed on the existing developed footprint and/or formal garden area, leaving the wooded area at the east of the plot intact. Failing this a buffer zone of at least 20m from the boundary should be kept intact, with the usual conditions to enforce precautions to protect the retained trees. Suitable conditions to protect the retained trees and the recommendations of the ecological consultants for further bat survey prior to demolition and removal of any trees and shrubs outside the bird breeding season should be applied as conditions if

approval is given.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposal has been considered with regards to the design, amenity and the impact upon local wild and is considered suitable for the site and is not considered detrimental to the character of the area. The proposal is not considered to have an adverse impact on the amenities which the occupiers of neighbouring properties can reasonably expect to enjoy. The proposed dwellings have adequate levels of amenity space and off-street parking. The proposal complies with Policy HS4, GR5, NC01 and NC7 of the Wirral UDP and the provisions of the NPPF and is recommended for approval.

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 has been considered with regards to the design, amenity and the impact upon local wild and is considered suitable for the site and is not considered detrimental to the character of the area. The proposal is not considered to have an adverse impact on the amenities which the occupiers of neighbouring properties can reasonably expect to enjoy. The proposed dwellings have adequate levels of amenity space and off-street parking. The proposal complies with Policy HS4, GR5, NC01 and NC7 of the Wirral UDP and the provisions of the NPPF and is recommended for approval.

Recommended Decision: **Approve**

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 4th December 2013 and listed as follows: A101 Rev B (dated 11.13), A102 Rev A (dated 11.13), A103 Rev A (dated 11.13), A104 Rev B (dated 11.13), A105 Rev A (dated 11.13), A106 (dated 11.13), A107 (dated 02.13) & A108 (dated 02.13).

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

3. Before any construction commences, samples of the facing/roofing/window 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. Before the development hereby permitted is brought into use the south facing windows in the first floor of the dwelling located on plot 1 facing 36 Oldfield Way shall be obscurely glazed with frosted glass and non opening and shall be retained as such thereafter.

Reason: In the interest of residential amenity having regard for policy HS4 of Wirral's

Unitary Development Plan

5. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance having regard to policy GR5 of the Wirral UDP and that the proposed development enhances the visual amenity of the locality.

6. Before development takes place a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) shall be submitted and agreed in writing with the LPA. This scheme shall include:

A; the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.

B; a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

C; a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

E; the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

F; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).

G; the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).

H; the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).

I; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

J; the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

K; the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).

Reasons: To protect trees which are of significant amenity value having regards to policy GR7 of Wirral's UDP

7. The following activities must not be carried out under any circumstances:

- a, No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- b, No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- d, No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
- e, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To protect trees which are of significant amenity value having regards to policy GR7

8. Prior to any works taking place, the site, and 30m zone around the site should be surveyed for badger setts. This is to be detailed within a construction environmental management plan which is to be submitted to and agreed in writing prior to commencement on site. The construction environmental management plan shall detail any mitigation measures required as a result of the survey and shall be implemented in full in accordance with the approved scheme.

Reason: In the interest of species protection having regards to policy NC7 of Wirral's Unitary Development Plan.

9. In accordance with the ecological survey (The Tyrer partnership) mitigation measures for the loss of Badger habitat and details of boundary fencing/walls to allow badgers to access the site shall be submitted to and agreed in writing prior to the commencement of development. The approved scheme shall be implemented in full and retained as such thereafter.

Reason: In the interest of species protection having regards to policy NC7 of Wirral's Unitary Development Plan.

10. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive unless otherwise agreed in writing by the Local Planning Authority.

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

11. Before the development hereby permitted is first commenced, 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 a satisfactory appearance and avoid overlooking having regard to Policy HS4 of the Wirral Unitary Development Plan.

12. NO DEVELOPMENT SHALL TAKE PLACE until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policy EM8 of the Waste Local Plan.

13. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy EM9.

Last Comments By: 02/01/2014 11:47:09
Expiry Date: 29/01/2014