

Planning Committee

26 November 2015

Reference:
APP/15/01182

Area Team:
South Team

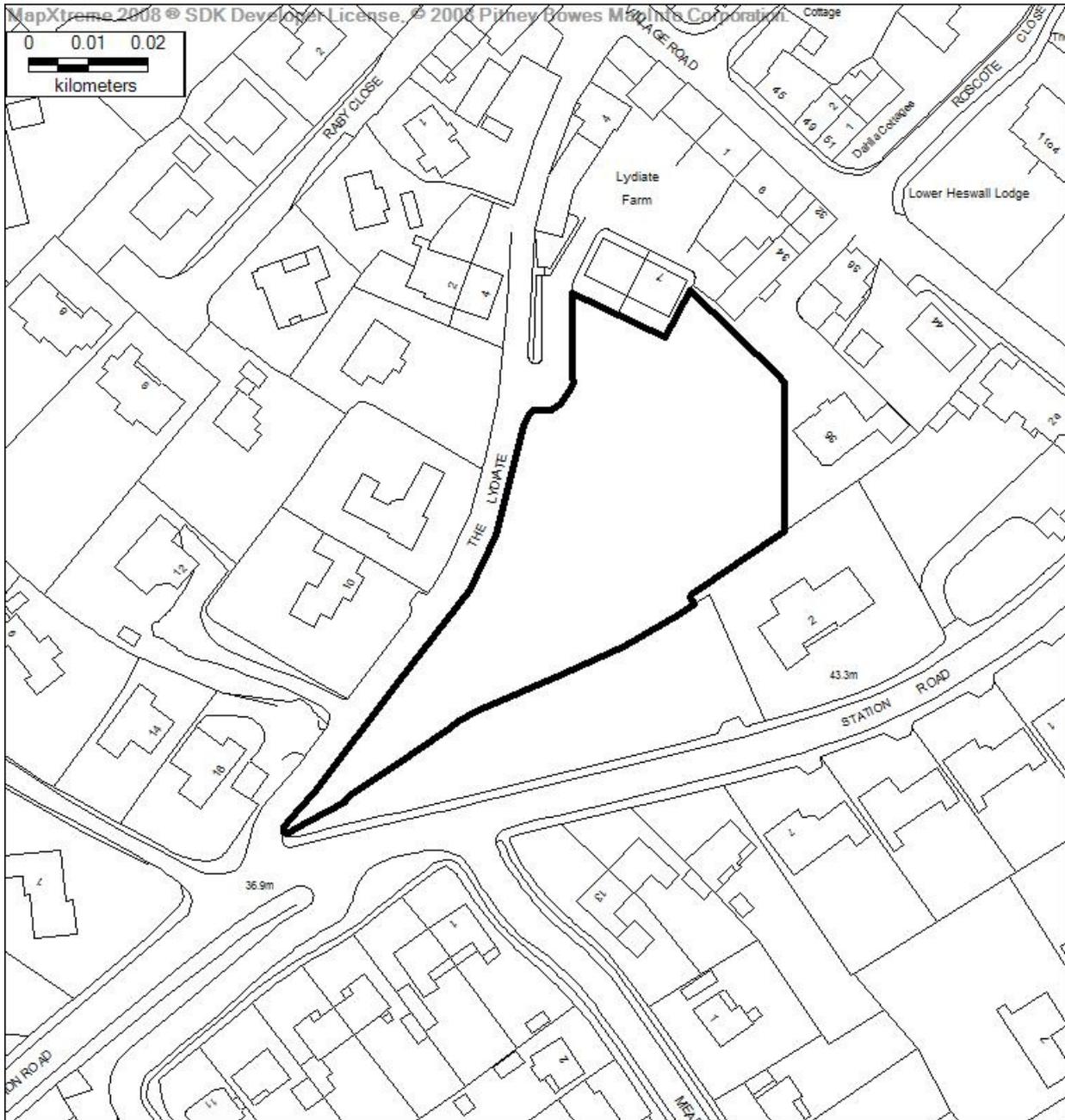
Case Officer:
Mr P Howson

Ward:
Heswall

Location: THE LYDIATE, HESWALL, WIRRAL, MERSEYSIDE, CH60 8PR
Proposal: Residential development for two detached dwellings with detached garages including associated landscaping works

Applicant: McDermotts [Meols] Ltd
Agent : SHACK Architecture Ltd

Site Plan:



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Development Plan designation and policies:

Conservation Area (for illustrative purposes)
Primarily Residential Area

Planning History:

Location: Lydiate Farm, 28 Village Road, Heswall, Wirral, CH60 0DZ
Application Type: Full Planning Permission
Proposal: Proposed refurbishments of farm House and associated agricultural buildings to form 5no. dwellings, erection of 2no. new dwellings and alteration to vehicular access
Application No: APP/03/05653
Decision Date: 18/07/2003
Decision Type: Approve

Summary Of Representations and Consultations Received:REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 29 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing, a qualifying petition signed by 97 signatures has been received. In addition 5 individual letters of objection have been received, 1 letter of support and 5 with comments that are neither objections nor support. The objections can be summarised as follows:

1. Overdevelopment
2. Detrimental to the character of the area
3. Traffic generation

CONSULTATIONS

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

Welsh Water No objections

The Heswall Society Object on the grounds that the site is the last remaining field in the old village core and testifies to the historic agricultural character of the village. The Society believes that the proposals do not present themselves as an integral part of the village and the design of the two dwellings fails to take opportunities for improving the quality of the area and the way it functions. The current proposals are unlikely to be regarded as making a positive contribution to the Conservation Area and fail to reinforce the historic identity and character of the village core. A development that reflects the cottage scale of the former farm buildings and cottages would be a more appropriate development for this site.

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The Council has received a petition of objection signed by 97 signatures. Therefore, under the provisions of the Council's Scheme of Delegation for Determining Applications, this application is required to be considered and determined by the Planning Committee.

INTRODUCTION

This application seeks consent for the erection of two detached dwellings with associated detached garages at The Lydiate, Heswall.

PRINCIPLE OF DEVELOPMENT

The development site in question is situated within a Primarily Residential Area and Conservation Area as shown on the Wirral UDP Proposals Map 2000 where residential development is acceptable in principle subject to compliance with UDP Policies HS4, CHO1, CH2 and CH14.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the

character or appearance of the Conservation Area.

SITE AND SURROUNDINGS

The site in question is situated within the southernmost part of the Heswall Lower Village Conservation Area and comprises of a rough grassed area which is the last remnant of farmland associated with Lydiate Farm. The site tapers to the south and is represented by mature vegetation along its south-west axis.

Properties within the immediate vicinity have a mixed architectural style and form. A large modern dwelling exists immediately north of the development site which severs the relationship with the former farm yard. A number of dwellings have been constructed at irregular angles to the street and are a mix of two storey cottages and single storey bungalows. Red sandstone, slate and cream and white roughcast render are all featured on properties within the immediate vicinity.

POLICY CONTEXT

Policy HS4: Criteria for New Housing Development of the Wirral UDP only permits housing development that complies with all of its criteria including a requirement for the seeks to guide development to appropriate scale of the proposals to relate well with surrounding property, to result in no detrimental in the character of the area, to provide satisfactory access and vehicle parking, landscaping and boundary treatment, crime prevention measures and adequate individual or communal garden space for each dwelling.

Policy CHO1: The Protection of Heritage indicates that the Local Planning Authority will pay particular attention to the protection of features and historic areas of distinctive quality and character.

Policy CH2: Development Affecting Conservation Areas seeks development proposals that will preserve or enhance the distinctive characteristics of the area including important views into an out of the area, the general design and layout of the area including the relationship between its buildings, structures, trees and characteristic open spaces and the character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the area.

Policy CH14: Heswall Lower Village Conservation Area sets out a number of planning objectives including the preservation of the old village core including the setting of its former farm buildings, the character and setting of the surrounding area and the retention of unifying features such as stone walls, narrow lanes and mature landscaping.

Policy GR5: Landscaping and New Development seeks proposals to submit full landscaping proposals including the specification of new planting, the appropriateness in terms of the nature of the of the location of the development, provide for the protection and enhancement of existing features and take full account of the effect of proposals on visibility at access points and local climatic influences.

Policy GR7: Trees and New Development of the Wirral UDP requires new buildings, structures and hard surface areas to be sited to substantially preserve the wooded character of the site or of the surrounding area, provide for the protection of trees of greatest visual or wildlife value and ensure that trees have adequate space to prevent damage to their canopy and root structure. Policy GR7 also seeks to prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms.

Supplementary Planning Guidance SPG28: Heswall Lower Village Conservation Area (which has been updated by the Heswall Lower Village Conservation Area Appraisal and Management Plan)

The Lydiate is noted as part of the original village nucleus in the description of environmental quality in SPG28 para 3.1. UDP Policy CH14 makes it clear that one of the principal planning objectives is to preserve the character of the old village core, including the setting and character of the former farm and cottage scale dwellings. This links back to UDP Policy CH2 which will require any future proposal to demonstrate that the general design and layout of the area including the relationship between buildings and characteristic open spaces can be preserved or enhanced.

Joint Waste Local Plan: Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, and Policy WM9 also requires development to provide measures for waste collection and recycling.

The National Planning Policy Framework (NPPF) is a significant material consideration which makes it clear that design is key aspect of sustainable development and that the positive contribution the conservation of heritage assets alongside the desirability of development to contribute to local character and distinctiveness should be taken into account when determining planning applications (paragraphs 56 and 131 refer).

APPEARANCE AND AMENITY ISSUES

The application proposes the erection No.2 two storey residential dwellings sited within an ample plot which comprises of the last remnant of farmland associated with Lydiate Farm which sits immediately to the north.

The proposed dwellings are contemporary in style and modest in proportion whilst traditional elements such as pitched roof, bay windows and chimneys are considered to harmonise the proposal within the immediate vicinity and the proposal is considered acceptable in this respect.

Lydiate Farm is represented by a series of simple low rise former agricultural buildings and associated farmhouse constructed from a red sandstone around the former farmyard which have been subsequently been converted into living accommodation under APP/03/05653. Under the previous approval an additional two storey semi-detached residential dwelling, which replicates the simple architectural form of the former agricultural buildings, was permitted thus segregating the relationship between the development site in question and the former farm.

The development site in question is designated as a '*green area for retention*' within Appendix F of the Heswall Lower Village Conservation Area Management Plan. Notwithstanding this designation the Heswall Lower Village Conservation Area Appraisal identifies a number of key green spaces and distinctive character areas whilst the significance of the development site in question is not identified. Paragraph 132 of the NPPF states that when considering the impact of proposed development on the significance of a heritage asset great weight should be given to its conservation. The more important the asset the greater the weight should be.

The proposed dwellings would be located centrally within the plot and would be constructed along a graduated slope which runs down into Station Road in the south. Mature trees and dense hedgerows form the boundary along The Lydiate, as such it is not anticipated that the proposal would reduce the open green aspect of this part the conservation area. The applicant has attempted to address concerns raised by residents and has reduced the height of the scheme whilst areas of green open space have been retained immediately north of the proposal ensuring a degree of openness whilst high quality boundary treatment comprising of low sandstone walls and native tree planting unifies the proposal with its setting.

. The proposal seeks to retain the existing character of the area through the use of existing boundary treatment and additional planting and high quality boundary treatment. The proposed dwellings would be sited within a part of the conservation area characterised by modern built developments and the proposal is therefore considered acceptable in this respect.

Supplementary Guidance 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. 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.

In consideration of neighbouring amenity, the proposed dwellings would be partially obscured from view from dwellings along The Lydiate by the existing and proposed boundary treatment and is acceptable in this respect. The application would meet the above mentioned interface distances and proposes no windows servicing rooms defined as habitable within any side elevation and is acceptable in this

respect. The application provides sufficient private amenity space for each dwelling and is acceptable in this respect.

Other Matters

Over the course of this application eleven letters of representation were received 5 of which were comments, a further 5 objecting to the proposal and a single letter of support, summary of comments;

- a) Overdevelopment
- b) Detrimental to the character of the area
- c) Traffic generation

The application site in question is considered to be an ample plot which can accommodate two dwellings with sufficient vehicle parking, turning circle and private amenity space and is not considered to be out of context with the surrounding pattern of development. In terms of sustainability, the proposal would bring limited economic benefits through construction and delivery of additional housing and help in a social role with its contribution to the supply of housing (the Council's motoring report shows the supply of housing land to be between 3.1 and 3.5 years based on 2012 household projections). The application retains the green open aspect of the area and is acceptable in this respect.

With respects to concerns regarding traffic generation it is not considered that two additional dwellings would generate significant levels of traffic to warrant refusal whilst the proposal accords with the maximum parking standards as set out within the supplementary planning guidance. Furthermore the Head of Environment & Regulation (Traffic and Transportation Division) has raised no objections to the proposal.

SEPARATION DISTANCES

Supplementary Guidance 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. 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 direct overlooking or significant loss of privacy in this instance.

HIGHWAY/TRAFFIC IMPLICATIONS

There is no highway objection to the proposal

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Environmental/Sustainability issues relate to the impact on the character and visual amenity of the area from this proposal.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposed dwellings are considered acceptable in principle and, by virtue of their scale, form, siting, and finished boundary and landscaping treatment would not have a significant adverse impact upon the street scene or character and appearance of the area or the amenity of the neighbouring properties. The application is considered in accordance with the principles of the NPPF and Policies HS4, CH2, CH14, GR5 and GR7 of Wirral's Unitary Development Plan and all other Supplementary Planning Guidelines.

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), the Waste Local Plan and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the

following:-

The proposed dwellings are considered acceptable in principle and, by virtue of their scale, form, siting, and finished boundary and landscaping treatment would not have a significant adverse impact upon the street scene or character and appearance of the area or the amenity of the neighbouring properties. The application is considered in accordance with the principles of the NPPF and Policies HS4, CH2, CH14, GR5 and GR7 of Wirral's Unitary Development Plan and all other Supplementary Planning Guidelines.

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 24 August 2015 and listed as follows: B101, B102, B103, B105, B107, B108, B109 and B100

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

3. Before any construction commences, samples of the 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. 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 Policies WM8 of the Waste Local Plan.

5. The development shall be constructed in accordance with the submitted Construction Management and 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 the interests of highway safety and to accord with Policy HS4 of the Wirral Unitary Development Plan.

6. No retained trees, shrubs or hedges shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any retained tree, shrub or hedge is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition —retained tree, shrub or hedge means an existing tree, shrub or hedge which is to be retained in accordance with the approved plans and particulars; and the above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

7. No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

Reason: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

8. 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

9. The hard and soft landscaping scheme hereby approved 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. 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 Wirral Unitary Development Plan.

10. Prior to commencement of development details of a surface water management plan shall

be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in full in accordance with the agreed plan and retained as such thereafter.

Reason: In the interest of land drainage having regards to policy WA2

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.

Reason: In the interests of amenity and to accord with Policy HS4 in the in the Wirral Unitary Development Plan

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property and the area generally and to accord with Policy HS4 of the Wirral Unitary Development Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) no garages, outbuildings or enclosure shall be constructed within the applications site without the prior written approval of the Local Planning Authority.

Reason: In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

14. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made for inclusion within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full before the development hereby approved is brought into use unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Waste Local Plan

Further Notes for Committee:

Last Comments By: 07/10/2015 14:16:29
Expiry Date: 19/10/2015