

Planning Committee

04 January 2011

Reference:
APP/10/01287

Area Team:
North Team

Case Officer:
Mr M Rushton

Ward:
Bidston and St James

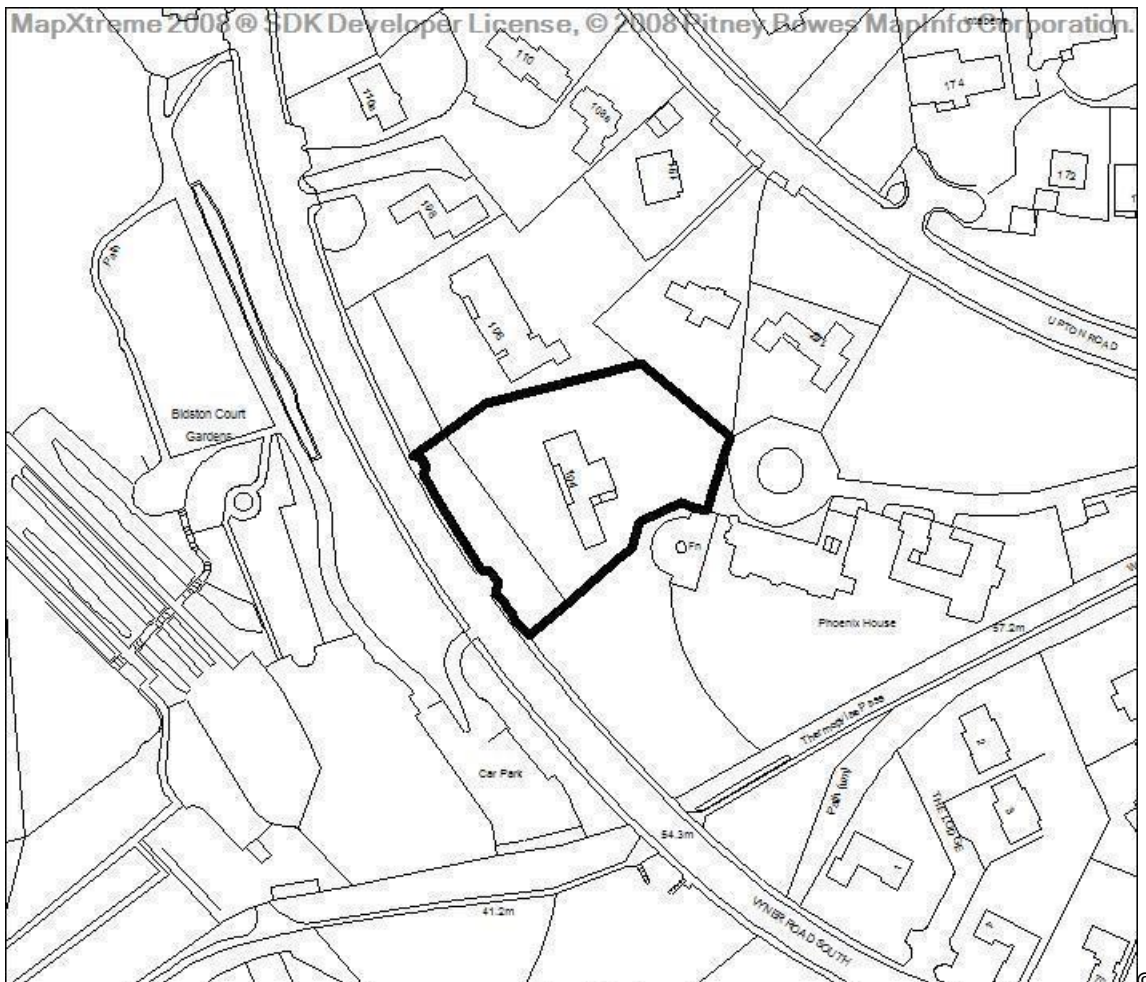
Location:
Proposal:

Tall Trees, 104 VYNER ROAD SOUTH, BIDSTON, CH43 7PT
Resubmission of planning application APP/10/00821. Demolish existing bungalow and erect 1No. three storey dwelling and 1No.three storey Nursery. External works to proposed Nursery and laying out 12No. car parking spaces. New pedestrian and vehicular access from Vyner Road South to Nursery. Reuse existing access to new dwelling. Landscaping to front and rear of both proposed buildings.

Applicant:
Agent :

Ashbury Homes Ltd
K. & J. Woodward

Site Plan:



Crown copyright. All rights reserved. Licence number 100019803. Published 2010.

Development Plan allocation and policies:

Density and Design Guidelines Area
Primarily Residential Area

Planning History:

APP/94/05007 - Single storey side extension - approved 04/02/1994

APP/95/05346 - Single storey extension to front - approved 18/04/1995

APP/85/05970 - Erection of attached garage - approved 18/07/1985

APP/79/14081 - Erection of double garage - approved 06/12/1979

APP/07/07566 - Demolition of existing dwelling and erection of replacement dwelling - approved 19/03/2008

APP/10/00821 - Demolish existing bungalow and erect 1 no. three storey dwelling and 1 no. three storey nursery - withdrawn 21/09/10

Summary Of Representations and Consultations Received:

REPRESENTATIONS

A total of six letters of notification were sent to surrounding properties and a site notice was displayed on Vyner Road South. At the time of writing this report a total of 4 letters of objection have been received citing the following concerns:

- Three storey buildings are out of character to other properties;
- No.187 and 189 Upton Road will be overshadowed
- Nursery numbers too high leading to unacceptable noise levels from playground 6 days a week
- Car parking noise
- Visually obtrusive feature by reason of scale, position and design
- Noise and nuisance to the whole neighbourhood
- Overdevelopment, and detrimental change in character

CONSULTATIONS

The Director of Technical Services, Traffic Management: No objection, subject to conditions

The Director of Technical Services, Tree Protection: No objection

The Director of Law, HR and Asset Management: No objection

Merseyside Cycling Campaign: welcomes the inclusion of staff cycle parking within the resubmitted scheme, though concerned at the lack of real detail of this element. No sign of visitor cycle parking either. Suggest that these elements are secured through a suitably worded planning condition.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is a major application (floorspace in excess of 1000 square metres).

INTRODUCTION

The application proposes the demolition of the existing bungalow and erection of a three-storey dwelling and a three-storey nursery. The application is a resubmission of application APP/10/00821, which was withdrawn by the applicant prior to determination. It is indicated that the nursery would provide places for 90 children aged 0-5years, 60 children being catered for by a pre-school and after-school care facility.

PRINCIPLE OF DEVELOPMENT

Applications for replacement dwellings and nurseries in Primarily Residential Areas are acceptable in principle under policies HS4: Criteria for Housing Development, HS15: Non-Residential Development in Primarily Residential Areas, and HS12: Pre-School Day Care.

SITE AND SURROUNDINGS

The existing site comprises a detached brick bungalow. The bungalow is a wide, low structure, covering a significant part of the width of the large plot. The dwelling is set on a gradient with the land rising to the rear of the plot, extensive gardens surround the dwelling, and there is mature vegetation to the side and rear boundaries. The front boundary of the site along Vyner Road South is well

screened - there is a 0.5m high sandstone wall, a 2m high hedge, a series of tall trees and an additional 2m high wooden fence and trellis set back from the highway. The area is characterised by large, well spaced properties of mixed design. Most dwellings in the area are substantially screened from the street scene to the front. Vyner Road South is wide with no parking restrictions. To the west, the neighbouring property "The Pines" is a two-storey dormer building which has been significantly extended and is in use as a care home. There are residential properties to the rear. To the west is "Pheonix House", a C2 use within a large detached building set in considerable landscaped grounds.

POLICY CONTEXT

The plot is allocated as a Primarily Residential Area within the adopted Unitary Development Plan, therefore residential development is acceptable in principle subject to the provisions of Policy HS4: Criteria for New Housing Development. One-for-one replacement housing would not conflict with the Interim Planning Policy for New Housing Development.

Policy HS15: Non Residential Uses in Primarily Residential Areas states any development within a Primarily Residential Area must be of a scale that is appropriate to surrounding development, will not result in a detrimental change in the character of the area and will not cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on street parking and deliveries by vehicle.

Policy HS12: Pre-School Day Care is specific to proposals for a change of use of existing buildings for pre-school day care facilities. Whilst not directly relevant to the new-build proposal here, the criteria have been considered, along with associated SPG12: Pre-School Day Care Facilities. The policy outlines that changes of use will be permitted subject to ensuring the privacy of neighbouring residents, any outdoor play areas defined by a 2m high screen fence/wall, satisfactory vehicular access and reasonable provision for setting down and picking up children and, noise insulation being provided where appropriate.

SPD4 Parking Standards states the maximum allowance of car parking for day nurseries should be 1 space per 2 staff plus 1 dropping off/picking up space per 6 children attending the premises.

APPEARANCE AND AMENITY ISSUES

A planning application for a three-storey dwelling was approved in March 2008 (reference APP/07/07566), and this permission can be implemented until March 2011. As such this extant permission is a material consideration. The location of the replacement dwelling has been amended, its scale has been reduced and it is considered that the proposed design improves on that previously consented. The scale of the proposed dwelling is acceptable - Vyner Road South is characterised by substantial properties, some of which are modern in design, and the dwelling would retain an ample plot measuring 27m along the front boundary, which provides good spacing and is consistent with the spacings along Vyner Road South. The scale of the proposal is not considered to overdominate surrounding properties, form a visually obtrusive feature, or appear out of scale or character. A generous amount of amenity space is retained, approximately 228 square metres forward of the property and 225 square metres to the rear.

Planning applications for pre-school day care raise issues of amenity and highway safety. The applicant has requested permission for the care of 90 children aged 0-5years, 60 children for pre and after school care. The Director of Regeneration, Law, HR and Asset Management has raised no objection to the proposal or requested additional noise insulation beyond that which would be provided through Building Regulations approval. A condition restricting child numbers and hours of opening is considered reasonable and necessary. There is a large rear garden which would be retained, surrounded by boundary treatment 2m in height in accordance with policy HS12.

The building is modern in design, but Vyner Road is of mixed housing age and design. The building is set back 22m from the highway and the existing mature hedge and tree screening softens the impact of the building. A number of amendments have been made to the nursery design proposed in withdrawn application APP/10/00821, notably reducing the ridge height of the building by 1m; breaking up the front elevation vertically; lowering the eaves height to incorporate second floor windows as 'dormer' elements.

SEPARATION DISTANCES

The proposed buildings are two-storey to the rear elevation due to the rise natural land gradient.

No.187 and 189 are raised above the proposal and measure 32m away at the nearest point. As such the separation distances are considered acceptable and to meet those normally required by the Council's adopted planning policies.

HIGHWAY/TRAFFIC IMPLICATIONS

Nurseries raise two particular issues; provision for dropping off and collecting children, and the provision of parking (and cycle parking) for staff and visitors. The dropping off of children at a nursery premises would take place within the adopted highway, Vyner Road South. This road is relatively low trafficked and existing parking very limited at present due to the nature of the land uses there. The road is also wide enough to accommodate parking to each side, and for nursery uses the peak flow is generally spread over a greater period, which further reduces its impact. As such, it is not considered that the application raises traffic or highway safety reasons why the development should not proceed. It is accepted that the proposal may result in an increase of parking on Vyner Road South, which does not have waiting restrictions.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

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 due to the lack of significant impacts to the amenities of neighbours by virtue of noise and nuisance, and the absence of harm to the streetscene or character of the local area. The proposal does not result in loss of privacy, daylight or sunlight to neighbouring properties. The proposal complies with Council policies HS4, HS12 and HS15 of the adopted Wirral Unitary Development Plan.

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 due to the lack of significant impacts to the amenities of neighbours by virtue of noise and nuisance, and the absence of harm to the streetscene or character of the local area. The proposal does not result in loss of privacy, daylight or sunlight to neighbouring properties. The proposal complies with policies HS4, HS12 and HS15 of the adopted Wirral Unitary Development Plan.

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. Before any construction commences, samples of the facing, roofing and 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 Policies HS15 and HS4 of the Wirral Unitary Development Plan.

3. Prior to the commencement of development, details of the proposed vehicular and pedestrian access including shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the commencement of development, and retained as such thereafter.

Reason: In the interests of highway and pedestrian safety, having regard to UDP Policy TR9.

4. The undeveloped land within the curtilage of the site shall be suitably landscaped in accordance with the details shown in drawing reference AH/TT/2 Rev A 'Proposed Planting' during the first available planting season following completion of the development hereby approved. Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced by trees and shrubs of similar species during the next available planting season.

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

5. Within 6 months of the first use of the development hereby permitted, space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and these facilities shall be permanently retained thereafter.

Reason: In the interests of highway safety and to accord with UDP Policy TR12.

6. Prior to the commencement of demolition/construction the trees to be retained on the site shall be protected by heras fencing in accordance with the details shown in drawing number 4517-1 Rev H 'Proposed Site Plan'. The fencing to be removed only when the development (including pipelines and other underground works) has been completed; the enclosed areas shall at all times be kept clear of excavated soil, materials, contractors' plant and machinery. The existing soil levels under tree canopies shall not be altered at any time.

Reason: To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition, in accordance with UDP Policies GR5 and GR7.

7. The nursery development hereby permitted shall be closed between the hours 20.00 and 07.30 Mondays to Fridays, between the hours of 17.00 and 07.30 on Saturdays, and at all times on Sundays and Bank Holidays.

Reason: In the interests of the amenities of surrounding land owners.

8. Within 6 months of the first use of the nursery development hereby granted permission a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the full Travel Plan shall be implemented and operated in accordance with the timetable contained therein for as long as the development is occupied and shall not be varied other than through agreement with the local planning authority. For the avoidance of doubt, such a plan shall include:

- Access to the site by staff
- Information on existing transport services to the site and staff travel patterns;
- Travel Plan principles including measures to promote and facilitate more sustainable transport;
- Realistic targets for modal shift or split;
- Identification of a Travel Plan co-ordinator and the establishment of a travel plan steering

group;

- Measures and resource allocation to promote the Travel Plan; and
- Mechanisms for monitoring and reviewing the Travel Plan, including the submission of an annual review and action plan to the local planning authority.

Reason: In the interests of sustainable development, having regard to PPG13 and UDP Policy TR9.

9. The nursery hereby permitted shall accommodate no more than 90 children at any one time.

Reason: In the interests of amenity, having regard to the application submitted and UDP Policies HS15 and HS12.

10. Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and retained as such thereafter.

Reason: In the interests of crime prevention and visual amenity, having regard to UDP Policy HS15 and PPS1.

11. The development shall be implemented in accordance with the approved plans, drawing numbers: 4517/A3/1, 4517-1 Rev H, 4517-4 Rev B, 4517-5, 4517-6 Rev A, 4517-7 Rev A, 4517-8 Rev A, 4517-9 RevC, 4517-10 Rev A and AH/TT/2 Rev A.

Reason: For the avoidance of doubt

12. Having regard to the submitted Secured By Design statement, the nursery development authorised by this permission shall not begin until the Local Planning Authority has approved in writing the details of measures to be incorporated for the prevention of crime. The detail shall include the following measures:

- CCTV cameras to be installed to the building and car park;
- Security lighting to be installed to the building and car park.

The development shall be implemented in accordance with the approved details, and retained as such thereafter.

Reason: In the interests of crime prevention, having regard to Planning Policy Statement 1

Last Comments By: 16/12/2010 14:01:46

Expiry Date: 26/01/2011

