

**Planning Committee**

24 May 2012

**Reference:**  
**APP/12/00047**

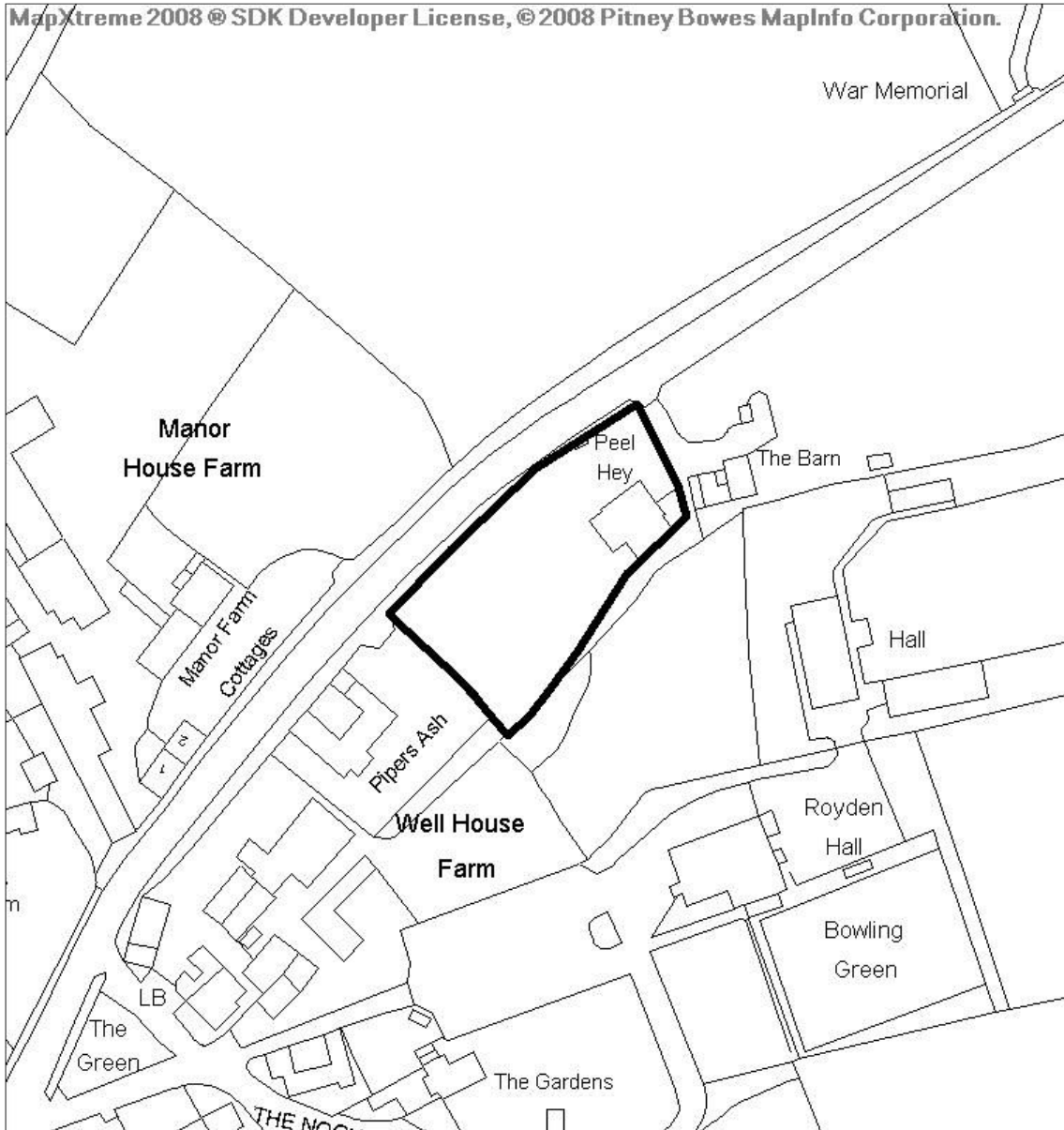
**Area Team:**  
**North Team**

**Case Officer:**  
**Mrs S Lacey**

**Ward:**  
**Greasby Frankby  
and Irby**

**Location:** Peel Hey, FRANKBY ROAD, FRANKBY, CH48 1PP  
**Proposal:** New exit and driveway  
**Applicant:** Mr Kenneth Graves  
**Agent :** N/A

**Site Plan:**



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**Development Plan Designation:**  
Green Belt  
Conservation Area (for illustrative purposes)

**Planning History:**

APP/02/05209 - Erection of a two storey side extension - Approved 15/04/2002

APP/02/06119 - Change of use of dwellinghouse including extension approved under APP/2002/5209/D to guest house with 7 guest rooms, car parking and new access - Approved 06/09/2002

APP/02/07230 - Erection of single storey utility room extension at rear to replace existing porch - Approved 04/12/2002

APP/03/07293 - To retain alterations to window design, insertion of French windows in S.W. elevation, new door in N.E. elevation and alterations to shape and finished surface of car parking area. ( Variation of conditions 2 and 4 on application no. 2002/6119/D) - Approved 19/12/2003

APP/06/05297 - Erection of a side conservatory and a single storey rear extension - Approved 21/04/2006

APP/08/06680 - Erection of two rear dormer windows - Approved 26/11/2008

APP/09/05810 - Erection of single storey extension and retention of use of second floor as 2 no. guest rooms - Approved 23/10/2009

**Summary Of Representations and Consultations Received:****REPRESENTATIONS:**

Having regard to the Council's Guidance on Publicity for Applications, 3 notifications were sent to adjoining properties. A Site Notice was also displayed. One letter of support has been received.

A qualifying petition of 48 signatures from separate addresses was received on the following grounds:

1. The proposal will create an additional exit;
2. The proposal will significantly increase the size of the car park;
3. The proposal will result in the loss of trees and mature hedges (to be replaced);
4. The proposal will reduce the height of the sandstone wall.

Councillor Hornby has requested this application be removed from delegation and considered by the Planning Committee representations received from local residents. The following concerns were cited in his reason for removing the application from delegation:

1. To protect the special interests of the conservation of Frankby village;
2. Highway issues; traffic generation, vehicular access, highway safety;
3. Noise and disturbance;
4. Loss of trees and hedgerows;
5. Adverse impact on nature conservation interests and biodiversity opportunities;
6. Design, visual appearance and finishing materials;
7. Landscaping.

**CONSULTATIONS:**

The Director of Technical Services (Traffic & Transportation Division): No objection.

The Frankby Conservation Area Advisory Committee: Objected to the application on the following grounds:

1. This is the fourth planning application since the change of use to a guest house in 2003;
2. There has been a significant increase in commercial activity with increasing functions, conferences, special events, a marquee and afternoon teas, and the business venture is growing out of proportion with the size of the Conservation Area;
3. The FCAAC was not consulted about the application;
4. Visibility is extremely poor at the proposed exit;
5. The inclusion of the next door property gives a false impression of the proportion of the property that will become car park;

6. It is not appropriate to remove hedges and trees to expand vehicle capacity;
7. Peel Hey struggles with the existing car park and should limit their activities to what can be reasonably be accommodated;
8. When functions take place they create a hazard by having cars parked on the grass verge, the field opposite and around the village green. The enlarged car park will either be unnecessarily large or still too small, and Peel Hey will continue to source land locally for car parking;
9. The position of the proposed exit will bring the movement of commercial traffic closer to the village and directly adjacent to a residential property;
10. The charm of Peel Hey will be lost by loss of garden to car park which will be visible from the road;
11. It is questioned how an additional exit will improve safety;
12. The sandstone will be disturbed, which is one of the key features of Frankby, by creating a new opening and reducing the height of the existing wall;
13. The removal of 6 trees that form a beech hedge goes against the grain of preserving trees and hedgerows, and the removal of a further tree (referred to as a sycamore) to be replaced with hedging. Previously there have been trees removed. There are a clump of trees and holly, and it is difficult to see how these will be cut back. Cutting back hedging would improve existing sightlines, none of the proposed changes appear to improve sightlines;
14. Given the surrounding commercial activity there is a risk the essence of the village will be lost;
15. The promotion of tourism should not be at the expense of conservation.

The Frankby Conservation Area Advisory Committee also included an annex of individual responses from members (original copies not included), 10 in opposition and one in favour with concerns. The responses are summarised below:

1. An additional entrance will prevent traffic building up on Frankby Road;
2. The distance of the proposed exist to the blind bend will be considerably shorter and result in a hazard;
3. The additional parking spaces will not be sufficient for the number of visitors;
4. The marquee will be hemmed in by the new parking spaces;
5. The loss of trees would be detrimental;
6. Wooden pole fencing and loss of sandstone walls would not be in keeping with the character of the village;
7. Extra parking will detract from the rural aspect of the village;
8. Concerns of future expansions;
9. Will the splay walls be sandstone?;
10. The overall appearance of the frontage will appear more open and exposed;
11. The proposal will make it more difficult to cross the road.

The applicant responded to the Frankby Conservation Area Advisory Committee's comments as follows:

1. The proposal has been submitted to relieve traffic congestion on Frankby Road and on occasions provide overflow parking following concerns from residents;
2. Only the 6 trunks of beech hedge will be removed to allow the formation of the exit;
3. The overflow car park will retain its greenness as the proposal is to lay a green mesh over the grass, which will allow the grass to grow through it. The drive will be surfaced in loose gravel;
4. The sandstone wall will not be lowered as it is currently 800mm high;
5. The highways department have confirmed the sight lines are acceptable and will improve highway safety.

The Frankby Conservation Area Advisory Committee responded to these comments as follows:  
The site has not been restored and enhanced as a dwelling but as a commercial boutique hotel, guest house and country house hotel.

#### **Director's Comments:**

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of 48 signatures from separate addresses has been received. Councillor Hornby requested this application be removed from delegation and considered by the Planning Committee following representations he has received and on the grounds the application will not protect the special interests of the conservation of Frankby village, highway issues, traffic generation, vehicular

access, highway safety, noise and disturbance, loss of trees and hedgerows, an adverse impact on nature conservation interests and biodiversity opportunities, the design, visual appearance and finishing materials and landscaping issues.

### **INTRODUCTION**

The application proposes a new vehicular drive and exit. To achieve this 5 metres of the existing boundary wall and beech hedge would be removed. The applicant also proposes to put mesh over the grass to provide overflow parking, which will be identified by small stepping stones.

### **PRINCIPLE OF DEVELOPMENT**

The proposal is acceptable in principle subject to the criteria of policies CH2 Development Affecting Conservation Areas, CH12 Frankby Village Conservation Area, and HS15 Non-Residential Uses in Primarily Residential Areas.

### **SITE AND SURROUNDINGS**

Frankby Village is a historic rural village and is designated as a Conservation Area. Whilst it is essentially a residential community it still retains many historic features of its agricultural past. The site itself comprises a brick building currently used as a bed and breakfast guest house, and which also holds functions such as weddings, wakes, conferences, special events and afternoon teas. There is a 800mm sandstone wall to the boundary curtailing the highway with some sporadic hedges behind. The site is situated on a higher level than the highway.

### **POLICY CONTEXT**

The application shall be assessed against relevant policies CH2 Development Affecting Conservation Areas, CH12 Frankby Village Conservation Area, and HS15 Non-Residential Uses in Primarily Residential Areas.

### **APPEARANCE AND AMENITY ISSUES**

The application has been submitted following consultation with The Director of Technical Services (Traffic & Transportation Division) regarding the level of traffic utilising the single entrance/exit. The improvement to highway safety is a material consideration in determining the application.

The proposal will result in the loss of a 5m section of the 54m sandstone wall the curtails the boundary along the highway. Sandstone walls are characteristic of the Frankby Conservation Area, it is vital that any proposal should not detract from the rural appearance of the village. The proposal is considered to be of a scale and design that will be in keeping with the character of the Conservation Area and will not detract from the rural openness of the Green Belt. The splay walls are less than 1m in height. A condition can be imposed to ensure that they are sandstone in material to match the existing wall.

In response to the objections of the Frankby Conservation Area Advisory Committee each planning application is assessed on its own merits and there is no maximum number of planning applications that can be submitted for one property. Planning permission was granted in 2002 for the B&B and concerns regarding the scale of the business venture were assessed under that application. The FCAAC were consulted about the application by the Local Planning Authority (LPA), and there is no statutory obligation for the applicant to notify the neighbours. Concerns regarding visibility at the proposed exit have been considered under the heading 'Highway/Traffic Implications'. The applicant has submitted a red-edge plan to show the application site, as required by the LPA, the submitted plans (ref PWH 02 FR3 rev E) indicates the proposed development. No trees are to be removed to facilitate car parking. Any conditions considered necessary to limit the activities of the B&B to what can be reasonably be accommodated where placed on the original planning approval. Whilst the overflow car park may not provide all the required parking facilities for events, the LPA cannot control parking on the highway. The proposed vehicular exit will remain 16 metres away from the nearest residential property Pipers Ash. The proposed car parking area will retain the green appearance when viewed from the road. The promotion of tourism is a consideration in determining the application, but it is not at the expense of conservation of the historic village. All future applications will be assessed on their own merits. It is not considered the proposal will result in the overall appearance of the frontage to be more open and exposed.

## **SEPARATION DISTANCES**

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development in terms of overlooking or loss of privacy.

## **HIGHWAY/TRAFFIC IMPLICATIONS**

Objections were received stating the distance of the proposed exit to the blind bend will be considerably shorter and result in a hazard, and the proposal will make it more difficult to cross the road.

The Director of Technical Services (Traffic and Transportation Division) has no objection to the proposal, and considers the new exit will improve vehicular sight lines from the existing entrance/exit by approximately 40m and additional spaces will reduce the requirement for patrons to park on the highway aiding free flow of traffic on Irby Road. Concern had been raised at the materials proposed for the access - use of tegular paving within the highway is not suitable. It is considered that the detail of materials to be used can be secured through the imposition of a suitably worded planning condition. The Local Authority, as Highway Authority, also has legislative provisions which would enable control over such matters within the highway.

## **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 not to have a harmful visual impact on its rural surroundings or the character of the Conservation Area. It is deemed not to adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design and complies with policies CH2 Development Affecting Conservation Areas, CH12 Frankby Village Conservation Area, HS15 Non-Residential Uses in Primarily Residential Areas, 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 not to have a harmful visual impact on its rural surroundings or the character of the Conservation Area. It is deemed not to adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design and complies with policies CH2 Development Affecting Conservation Areas, CH12 Frankby Village Conservation Area, HS15 Non-Residential Uses in Primarily Residential Areas, 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 external finishes of the splays hereby permitted shall match those of the existing boundary wall in material, colour, style, bonding and texture.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy CH1 of the Wirral Unitary Development Plan.

3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 29 February 2012 and listed as follows: PWH 02 FR3 REV E (dated January 2012)

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

4. Before any construction commences, details of the materials to be used in the construction of the proposed access 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 and in the interests of highway and pedestrian safety.

**Last Comments By:** 13/04/2012 08:22:44  
**Expiry Date:** 25/04/2012