

## Planning Committee

14 November 2019

**Reference:**  
**APP/19/00767**

**Area Team:**  
**Development  
Management Team**

**Case Officer:**  
**Mr N Williams**

**Ward:**  
**Heswall**

**Location:**

33 & 35 WHITEHOUSE LANE, BARNSTON, CH60 1UD

**Proposal:**

Demolition of existing dwellings and creation of new build residential development comprising 7no. dwellings

**Applicant:**

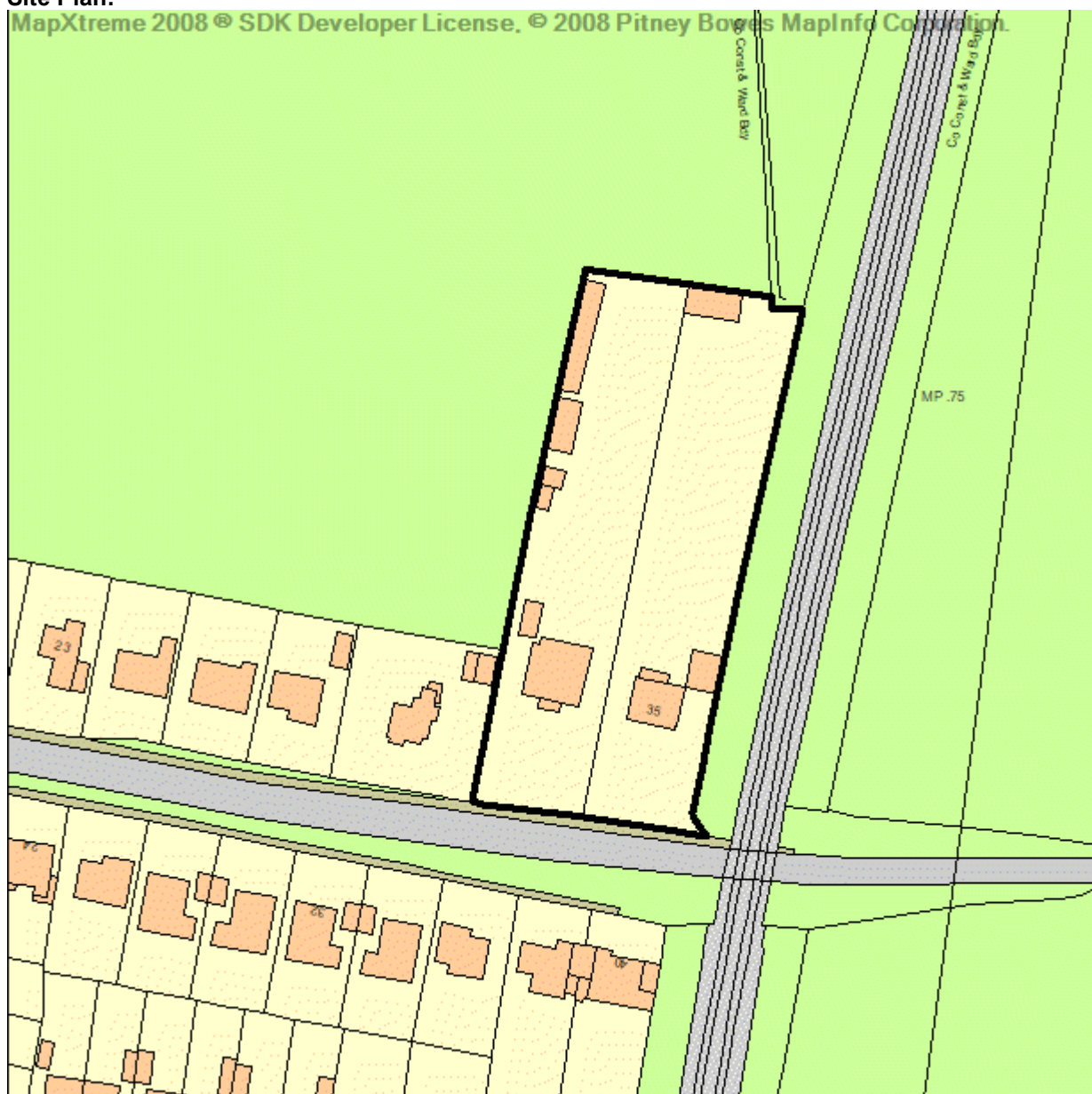
Wilkie & Thomas

**Agent :**

SDA Architecture Limited

**Qualifying Petition:** Yes, Number of Signatures: 45

**Site Plan:**





**Development Plan designation:**

Green Belt

Primarily Residential Area

**Planning History:**

Location: 35 Whitehouse Lane Barnston L601ud

Application Type: Full Planning Permission

Proposal: Alterations to roof of dwelling house.

Application No: APP/76/05875

Decision Date: 09/11/1976

Decision Type: Conditional Approval

Location: 35 Whitehouse Lane, Barnston, Wirral, CH60 1UD

Application Type: Full Planning Permission

Proposal: Erection of a single storey rear extension and garage extension at the side.

Application No: APP/07/05499

Decision Date: 03/05/2007

Decision Type: Approve

Location: 33 WHITEHOUSE LANE, BARNSTON, CH60 1UD

Application Type: Full Planning Permission

Proposal: Erection of first floor rear extension and roof alterations.

Application No: APP/13/01498

Decision Date: 24/01/2014

Decision Type: Approve

Location: 33 & 35 WHITEHOUSE LANE, BARNSTON, CH60 1UD

Application Type: Full Planning Permission

Proposal: Demolition of existing dwellings and construction of new residential development of 12 apartments

Application No: APP/18/01143

Decision Date: 23/01/2019

Decision Type: Withdrawn

Location: 33 & 35 WHITEHOUSE LANE, BARNSTON, CH60 1UD

Application Type: Full Planning Permission

Proposal: Demolition of existing dwellings and construction of new residential development of 10 apartments (resubmission of withdrawn APP/18/01143)

Application No: APP/19/00229

Decision Date: 13/06/2019

Decision Type: Refuse

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No formal comments received

**2.0 SUMMARY OF REPRESENTATIONS****REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 10 notifications were sent to adjoining properties. At the time of writing, there had been a petition of objection containing 45 signatures and 92 individual objections received, including from The Heswall Society, The Wirral Society and Barnston Conservation Society. The objections can be summarised as:

- Out of keeping with the area;
- Increased traffic and parking concerns;
- Highway safety concerns;
- Loss of trees/vegetation;

- Overdevelopment;
- Flooding issues;
- Increased noise and light pollution;
- Concerns for bats and barn owls;
- Encroachment onto Green Belt;
- Loss of privacy;
- Loss of property value

## CONSULTATIONS

Environmental Health - No objection

Highways - No objection subject to condition, including provision for a Traffic Regulation Order preventing vehicles from parking outside the site on Whitehouse Lane

### **3.1 Site and Surroundings**

- 3.1.1 The site consists of a pair of two-storey detached dwellings, each set within large plots which extend substantially to the rear. The properties are well screened from Whitehouse Lane by dense, mature vegetation. This vegetation makes a positive contribution to the character of the area.
- 3.1.2 The front part of the site is designated within the Wirral Unitary Development Plan as being a Primarily Residential Area. However, the rear part of the site (encompassing the large majority of the rear gardens) is designated as Green Belt. The area to the north of the site is open countryside (Green Belt), whilst to the east is a railway line with further areas of countryside (Green Belt).
- 3.1.3 To the south and west of the site are residential properties along Whitehouse Lane, which are all located within a Primarily Residential Area. These dwellings are almost exclusively two-storey detached properties with good-sized front and rear gardens. The immediate area of Whitehouse Lane has a suburban character, whilst further east on Whitehouse Lane (beyond the railway bridge) has a more rural feel.

### **3.2 Proposed Development**

- 3.2.1 The application is for the demolition of the two existing dwellings at 33 and 35 Whitehouse Lane and the erection of 7 No. two-storey dwellings.
- 3.2.2 The development will consist of two pairs of semi-detached dwellings to the front of the site, with three larger, detached dwellings to the rear. The existing vehicular access for 33 Whitehouse Lane will be widened and utilised for all new properties, with two off-street parking spaces per dwelling provided off this access (within the site).
- 3.2.3 The application is the third planning application submitted recently for this combined site, although the previous proposals were to develop the site for a large apartment scheme. An application (APP/18/01143) for the demolition of the dwellings to be replaced by a scheme containing 12 apartments was withdrawn in January 2019. A subsequent application (APP/19/00229) for an apartment scheme containing 10 units was refused on 13th June 2019 for the following reasons:
- The proposal would constitute an overdevelopment of this site and would introduce a development which is of a scale, design and character which is completely out of character with the nature of the surrounding area. It is therefore considered that the proposed development would have a harmful impact upon the character of the area and is contrary to Wirral Unitary Development Plan Policies HS4, LA7 and GR5, Supplementary Planning Document 2 and the National Planning Policy Framework
  - The proposed development will result in habitable rooms in the eastern elevation being served solely by windows which will provide insufficient levels of outlook and light and which will result in substandard living conditions for future occupiers. The proposal is therefore considered to be contrary to Wirral UDP Policy HS4, Supplementary Planning Document 2 and the National Planning Policy Framework

- This application is a major application and there is insufficient information in relation to surface water management and sustainable drainage proposals for the Lead Local Flood Authority to assess whether the development proposal fulfils the requirements of Paragraphs 163 & 165 of the National Planning Policy Framework, the House of Commons Written Statement 161 for Sustainable Drainage Systems, Technical Standards for Sustainable Drainage Systems, or the 'Flood Risk and Coastal Change' section of the Planning Practice Guidance

### **3.3 Development Plan**

- 3.3.1 The proposal is subject to the Wirral Unitary Development Plan, primarily Policy HS4: Criteria for New Housing Development, Policy GB2: Guidelines for Development in the Green Belt, LA7: Criteria for Development at the Urban Fringe, and GR5: Landscaping and New Development. The application is also subject to Supplementary Planning Document 4: Parking Standards.

### **3.4 Other Material Planning Considerations**

- 3.4.1 There is a presumption in favour of sustainable development under the terms of the NPPF, para 11, which indicates that development should be approved if it accords with an up to date development plan or if the most important policies are out of date, which includes situations where a five year supply of housing land has not been demonstrated. Footnote 6 takes land within the Green Belt outside of the presumption in favour of sustainable development for the purpose of decision taking, if there is a clear reason for refusal. NPPF paragraph 87 indicates that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 3.4.2 The NPPF at paragraph 117 also seeks to make the most effective use of land while safeguarding the environment and ensuring healthy living conditions. In terms of achieving appropriate densities NPPF paragraph 123 notes that where there is an existing or anticipated shortage of land for meeting identified housing needs it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 3.4.3 Section 12 of the NPPF makes it clear that the creation of high quality buildings and places is fundamental to what planning should achieve and that good design is a key aspect of sustainable development. In particular, paragraph 127 advises planning authorities that developments should: function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users, amongst other matters.

### **3.5 Assessment**

- 3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- The impact on the Green Belt;
- Scale, Layout & Design;
- Highways;
- Ecology; and
- Amenity

### **3.6 Principle of Development:**

- 3.6.1 The principle of developing the front part of the site, within the Primarily Residential Area, is considered to be acceptable, subject in particular to UDP Policies HS4 and LA7.
- 3.6.2 Any development of the rear of the site, within the Green Belt, would normally be considered as inappropriate development which would require very special circumstances

to justify. However, In this particular case, unlike the previous schemes which included parking areas, there is no development proposed within the Green Belt itself. This part of the application site will form part of the rear gardens of the three detached properties. This would be consistent with the current use of this part of the site as residential gardens. The proposal does therefore not constitute inappropriate development within the Green Belt.

- 3.6.3 To ensure that no built development encroaches into the Green Belt, a condition is attached to restrict permitted development rights to prevent any additional extensions or outbuildings, boundary fencing/walls/gates being constructed without the consent of the Local Planning Authority. Given that these restrictions are not currently in place, this control is considered to be beneficial given that permitted development rights for the two existing properties could allow extensive extensions and outbuildings to be built to the rear.
- 3.7 Scale, Layout & Design:
- 3.7.1 Whitehouse Lane contains single family dwellings, all of which are traditional two-storeys or smaller. The two dwellings to be demolished are similar in scale but are set back within each plot further than other dwellings. There is a variety of design and styles but all dwellings are fairly traditional in appearance.
- 3.7.2 Many dwellings along Whitehouse Lane have trees and vegetation in the front garden area (including the application properties) and the low density nature of the road gives a very much suburban character. As noted, the application properties (in particular No. 35) have dense vegetation to the front which contributes greatly to this character.
- 3.7.3 The proposed development will demolish two properties which are generally in keeping with the character of the area. These dwellings are not considered to be of any particular architectural merit and their demolition is therefore considered acceptable.
- 3.7.4 It is accepted that the density of the dwellings at the front of the site is higher than those within the surrounding area. However, the site is not within a Density and Design Guidelines area which would be controlled through Wirral UDP Policy HS5. The proposal will still appear as a fairly low density scheme, whilst it is also important to again highlight Paragraph 123 of the NPPF where it states that "where there is an existing or anticipated shortage of land for meeting identified housing needs it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site".
- 3.7.5 In addition, given the large area of the application site as a whole, the density of the overall development would still be in keeping with that of Whitehouse Lane. The density of the proposed development is approximately 17 dwellings per hectare, which is lower than the majority of plots along Whitehouse Lane, which are over 20 dwellings per hectare.
- 3.7.6 Given this, the layout and subsequent density of the proposed scheme is considered to be acceptable, making effective use of the site without detrimental change to the character of the area.
- 3.7.7 The frontage dwellings are semi-detached and this allows for a greater separation between the two blocks (as opposed to four detached properties with minimal space between each). Although the surrounding area predominantly contains detached properties, it is not considered that the provision of two pairs of semi-detached dwellings would have such a significant impact upon the character of the area as to warrant refusal of the application.
- 3.7.8 The front boundary of the existing site is characterised by dense vegetation and a small stone wall. The provision of parking within the site, accessed from the rear of the frontage properties, means that this stone wall will only be slightly altered to allow for pedestrian access.
- 3.7.9 A key aspect of the scheme will be to retain as much of the vegetation as possible, although it is accepted that some of this vegetation will be removed. However, it is also important to note that the railway bridge adjacent to the site marks the boundary of the

Primarily Residential Area. When travelling west on Whitehouse Lane, the character changes significantly once through the railway bridge - from a rural landscape east of the bridge to a much more suburban character to the west (including the application site) with dwellings on both sides of the road. Therefore, even on the understanding that the proposed development may not be as well screened by vegetation as it currently is, the proposed dwellings being more visible will not be particularly out of keeping with the established character of this part of Whitehouse Lane. A condition has been attached to provide a full landscaping plan for the site and this should allow the Local Planning Authority to ensure that the front and perimeter of the site retains a well landscaped appearance.

- 3.7.10 The design of the proposed dwellings is traditional, with a mix of brickwork and render, large ground-floor windows, front-facing gables, window detailing and traditional pitched roofs. There is no defining characteristic for dwellings in the area, however, each of the dwellings has a traditional appearance and the proposed dwellings will therefore be generally in keeping with this. They have sufficient design interest to ensure they contribute positively to the character of the street scene.

3.8 Highways:

- 3.8.1 As noted, each of the proposed dwellings will have vehicular access via a single access in the location of the existing access to 33 Whitehouse Lane. This access will be altered and widened to allow for two vehicles, thus preventing vehicles having to wait on Whitehouse Lane before entering the site should a vehicle be exiting the site.

- 3.8.2 Each dwelling will have two parking spaces within the site. The larger, detached dwellings will have parking to the side of the dwellings, within the curtilage of the individual plot. The parking for the semi-detached properties will take a slightly more unorthodox approach, with one property having two spaces at the head of the road, and the remaining three having one space to the rear and an additional allocated space at the side of the access road.

- 3.8.3 This level of parking provision is considered generally acceptable - however, there is some risk that the development may result in some overspill parking on Whitehouse Lane. Given the narrow width of the road and some level difference in the carriageway as it passes under the railway bridge, any vehicles parking on this part of Whitehouse Lane may increase the potential for collisions at this point. To overcome this concern, a condition has been attached to require the applicant to follow a procedure to provide parking restrictions (double yellow lines) in this location. This would prevent cars parking on this part of the highway and is therefore sufficient to overcome any highway safety concerns.

- 3.8.4 There is no turning head within the site but there is sufficient space for cars to turn around and leave the site in a forward gear. The applicant has agreed that refuse collection will take place from Whitehouse Lane, removing the requirement for refuse vehicles to enter the site. A condition is attached to secure this.

3.9 Ecology:

- 3.9.1 The applicant submitted a Bat Survey Report which suggested that the buildings have either a low or negligible potential for roosting bats. The survey recommended Reasonable Avoidance Measures (RAM), such as a soft strip of potential roost features when taking No. 35 down, to be supervised by a suitably licenced ecologist. This requirement is attached as a condition. A condition relating to any external lighting is also attached.

- 3.9.2 In addition, vegetation on site may provide nesting opportunities for breeding birds, which are protected. A condition is therefore attached to prevent any tree felling or hedgerow removal between 1st March and 31st August, unless they are checked first by an appropriately experienced ecologist.

3.10 Amenity:

- 3.10.1 The proposed dwellings within the site will be a distance of 21 metres apart, this complying with the 21 metres separation distance guidance. The dwellings to the front of the site will be approximately 30 metres from existing properties on the opposite side of Whitehouse

Lane.

- 3.10.2 The neighbouring property, 31 Whitehouse Lane, has a ground-floor window (serving a kitchen/diner) and a first-floor window (serving a study) on the side elevation. However, these will be a distance of approximately 18 metres from the blank side elevation of the proposed Plot 1, and this is sufficient to comply with the 14 metres separation distance guidance between a habitable window and a blank elevation.
- 3.10.3 The vehicle access will run close to the boundary with 31 Whitehouse Lane and it is acknowledged that the increased traffic activity in this location may have some impact upon the amenities of the neighbouring property. However, the habitable windows to the side of 31 Whitehouse Lane are approximately 9 metres from the boundary, with almost a further 1 metre to the access road itself. For reference, Supplementary Planning Guidance 10: Backland Development recommends that there should be a distance of 6 metres from any habitable windows to an access road. In addition, the external area of 31 Whitehouse Lane closest to this access road also appears to be predominantly used as a parking area, with the main private amenity area for this property being to the rear and to the other side of the dwelling. On this basis, it is considered that any impact to residential amenity is insufficient to warrant refusal of the application.
- 3.10.4 In terms of amenity for future occupiers, each of the dwellings will be of an acceptable size with all windows having sufficient outlook. The frontage dwellings have rear gardens approximately 11 metres in depth, with the properties to the rear benefitting from substantial gardens of approximately 54 metres. Overall, it is considered that the proposal will provide acceptable living conditions for future occupiers.

#### **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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the proposed development will not have an adverse impact upon the character of the area or the amenities of neighbouring properties and therefore complies with Wirral Unitary Development Plan Policy HS4, GB2, LA7 and the National Planning Policy Framework

**Recommended Decision:**                      **Approve**

#### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 23rd September 2019 and listed as follows: 72\_2017\_01 Revision D; 72\_2017\_02 Revision D; 72\_2017\_03 Revision D; 72\_2017\_04 Revision D; 72\_2017\_05 Revision D; 72\_2017\_06 Revision D

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

3. Before any construction above ground level 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 construction above ground level shall commence until the Local Planning Authority (LPA) has approved in writing a full scheme of works for the construction of any new/amended vehicle accesses from the highway and any amendments to the existing highway made necessary by this development, including details of the vehicle accesses, tactile paved pedestrian crossings across the new/amended accesses, Traffic Regulation Order relating to either side of Whitehouse Lane underneath, and within close proximity to, the railway bridge, street lighting amendments, surface water drainage connections and any additional amendments required, including the reinstatement to standard footway levels of any existing vehicle accesses from the highway that are rendered obsolete by the development. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling or gates, fences and walls shall be erected unless expressly authorised by the Local Planning Authority.

**Reason:** In order to protect the character of the area and to accord with Policy HS4 and GB2 of the Wirral Unitary Development Plan.

6. Prior to any works above ground level, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include details of retained trees/vegetation and all boundary treatment.

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 to the satisfaction of the Local Planning Authority by trees and shrubs of similar species and size to those originally planted.

**Reason:** To adequately mitigate for the loss of vegetation and to protect the character of the area, having regards to Wirral Unitary Development Plan Policy HS4, Policy GR5. Policy LA7 and Policy GB2.

7. No development other than demolition and remediation shall take place until a Site Waste Management Plan (or similar waste audit), confirming measures to achieve efficient use of resources and including designing out waste and minimisation of off-site disposal, 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 of the Wirral Unitary Development Plan and policy WM9 of the Merseyside and Halton Joint waste Local Plan.

8. No tree felling or hedgerow removal shall take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, the appropriate measures specified by the licensed ecologist are to be undertaken

**Reason:** In the interests of protecting breeding birds, having regard to Wirral UDP Policy NCO1

9. Details of any external lighting should be submitted to and approved in writing by the Local Planning Authority, and should have regard to the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> in order to avoid excessive light spill onto adjacent habitats

**Reason:** In the interests of ecology having regards to Wirral Unitary Development Plan Policy NC7

10. In line with Section 4 of the submitted Bat Survey Report, the removal of potential roost features within 35 Whitehouse Lane shall be done by hand.

**Reason:** In the interests of ecology having regards to Wirral Unitary Development Plan Policy NC7

11. In line with Section 4 of the submitted Bat Survey Report, a minimum of 2 bat boxes and 2 bird nesting boxes shall be installed within the application site (either within the buildings or on trees within the site) prior to first occupation. These shall be retained at all times thereafter.

**Reason:** In the interests of ecology, having regards to Wirral Unitary Development Plan Policy NC7

12. Prior to the first occupation of the dwellings hereby permitted, arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

**Reason:** To ensure that the scheme complies with Policy WM9 of the Waste Local Plan.

#### **Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details
2. United Utilities advise that foul and surface water shall be drained on separate systems, in order to secure proper drainage and to manage the risk of flooding and pollution. You are advised to contact them at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)
3. The applicant, their advisers and contractors should be made aware that if any bat species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist

**Last Comments By:** 30/08/2019 09:07:21

**Expiry Date:** 25/09/2019