

## Planning Committee

23 June 2020

**Reference:**  
**APP/19/01642**

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

**Case Officer:**  
**Mr A Siddall**

**Ward:**  
**Clatterbridge**

**Location:** The Bungalow, Thornton House, THORNTON COMMON ROAD,  
THORNTON HOUGH, CH63 4JU

**Proposal:** Erection of one detached dwelling with associated access parking and landscaping.

**Applicant:** Mr & Mrs Barry

**Agent:** SHACK Architecture Ltd

**Qualifying Petition:** No

### Site Plan:



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**Development Plan designation:**

Green Belt  
Infill Village in the Green Belt  
Area of Special Landscape Value  
Conservation Area (for illustrative purposes)

**Planning History:**

Location: Garden to north of (adjacent), The Bungalow, Thornton House, Thornton Common Road, Thornton Hough, Wirral, L63 4JU  
Application Type: Full Planning Permission  
Proposal: Erection of a detached bungalow.  
Application No: APP/99/06152  
Decision Date: 12/08/1999  
Decision Type: Approve

Location: Garden to north of (adjacent), The Bungalow, Thornton House, Thornton Common Road, Thornton Hough, Wirral, L63 4JU  
Application Type: Full Planning Permission  
Proposal: Erection of a detached bungalow.  
Application No: APP/99/05924  
Decision Date: 30/06/1999  
Decision Type: Withdrawn

Location: The Bungalow, Thornton House, Thornton Common Road, Thornton Hough, Wirral, L63 4JU,  
Application Type: Full Planning Permission  
Proposal: Erection of an extension and conversion of store into detached dwelling.  
Application No: APP/97/06915  
Decision Date: 20/02/1998  
Decision Type: Approve

Location: The Bungalow, Thornton House, Thornton Common Road, Thornton Hough, Wirral L63 4JU  
Application Type: Full Planning Permission  
Proposal: Erection of an extension and conversion of store into detached dwelling.  
Application No: APP/97/06751  
Decision Date: 17/12/1997  
Decision Type: Withdrawn

Location: The Bungalow, Thornton House, Thornton Hough, L63 4JU  
Application Type: Full Planning Permission  
Proposal: Erection of extension to living area and garage extension  
Application No: APP/79/11960  
Decision Date: 21/03/1979  
Decision Type: Approve

Location: Bungalow Thornton Hough Thornton Common Rd Thornton Hough L634ju  
Application Type: Full Planning Permission  
Proposal: Erection of extension to form two bedrooms, bathroom and lounge  
Application No: APP/77/08222  
Decision Date: 09/11/1977  
Decision Type: Approve

## **Summary of Representations and Consultations Received:**

### **1.0 WARD MEMBER COMMENTS**

1.1 Councillor Cherry Povall (Clatterbridge) requests that the application is removed from delegation for the following reasons:

1. The site has no access to the main road as the private drive is in the ownership of the residents of Thornton House;
2. The development fails to enhance the Conservation Area; and
3. The development has the potential to harm the adjacent Walnut tree due to its proximity.

### **2.0 SUMMARY OF REPRESENTATIONS**

2.1 Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to 11 nearby addresses. The application was also publicised with a Press Notice and two site notices were posted on public land within the vicinity of the application site.

#### **2.2 REPRESENTATIONS**

A total of 37 representations have been received at the time of writing. 35 of these are in objection whilst 2 are in support. Of the letters in support one was received from the applicant. Of the 11 properties originally notified, responses were received from 10, all of which were in objection, giving a response rate to the neighbour notification of 91%. The comments made in objection can be summarised as follows:

1. Development would be detrimental to the character and appearance of the Conservation Area due to the modern design and size of the dwelling;
2. The application comprises inappropriate development in the green belt;
3. The scheme has an adverse effect on the setting of nearby Listed Buildings;
4. A two-storey dwelling is out of character with its immediate neighbours;
5. Approval would set an undesirable precedent for further house building in the village;
6. Development would result in the loss of trees of visual and wildlife value;
7. Development would have an adverse effect on local wildlife and protected species;
8. The vehicular access is inappropriate as it is a private drive in poor condition. Further building work would further damage the condition of the drive;
9. A detrimental effect on highway safety at the road junction due to increased vehicle movements and poor visibility;
10. Overlooking and overshadowing of neighbouring dwellings;
11. Brownfield land should be developed in preference to greenfield land;
12. There is no need for additional housing in Thornton Hough;
13. Construction would be noisy and cause disturbance to existing neighbours.

The third-party representation in support offers no objection to building of one house in the village, noting that there needs to be more housing for people to live in.

The supporting comments made in writing by the applicant state that the design of the dwelling has taken into consideration the construction materials used in the area and does not impact upon the Conservation Area. Its siting minimises the impact on neighbouring amenity and takes into account the presence of existing trees which will be retained.

#### **2.3 CONSULTATIONS**

**Highways** - No objection;

**MEAS** - No objection, recommends conditions to avoid and mitigate harm to biodiversity;

**Merseyside Fire and Rescue Service** - Standing advice to be offered as an informative attached to any permission;

**Thornton Hough Community Trust** - Objects for the following reasons. The dwelling is

not architecturally in-keeping with the Conservation Area in contrast to other properties in the local area; It is inappropriate to construct a modern building so close to a listed building; and the access is unsuitable for heavy construction traffic.

**Wirral Wildlife** - No objection. Recommends conditions to avoid and mitigate harm to biodiversity.

### **3.1 Reason for referral to Planning Committee**

3.1.1 The application has been removed from delegation by Councillor Cherry Povall (Clatterbridge) and has attracted 35 individual letters of objection, exceeding the 15-letter threshold to trigger a committee referral. As such, under the Council's Planning Scheme of Delegation, the application falls to be determined by the Committee.

### **3.2 Site and Surroundings**

3.2.1 The application site comprises a domestic garden to the front of The Bungalow, amid twentieth century, extended single storey dwelling in white render and concrete tile situated on an infill plot. Historically the land formed part of the extensive grounds of Thornton House, a substantial Grade II Listed manor house now sub-divided into smaller dwellings and the site is considered to be within the setting of this listed building.

3.2.2 The land is flat and laid to lawn, separated from the retained gardens of properties within Thornton House to the south by trees, hedging and fencing. Some of these trees, those standing in 1952 are within group 33 of Tree Preservation Order BB0006 which covers the grounds of Thornton House.

3.2.3 To the north of the site is Sandy Lodge, a dormer bungalow in stone with tiled roof, also an infill dwelling constructed following the grant of planning permission in 1999. The site, along with all neighbouring dwellings is accessed via an unmade private drive off Thornton Common Road to the north. The eastern boundary of the site is separated from the drive by a sandstone boundary wall. The village of Thornton Hough is within the Green Belt, although designated within the UDP as an infill village whilst the village and its rural hinterland is a locally designated Area of Special Landscape Value. The site also falls within the Thornton Hough Conservation Area.

### **3.3 Proposed Development**

3.3.1 Full planning permission is sought for the construction of one detached two-storey dwelling. The dwelling would be roughly square in plan measuring approximately 9.5 by 11 metres, reaching an eaves height of 4.3 metres above ground level and a height to the ridge of its dual pitched slated roof of 8.7 metres.

3.3.2 The building would be finished externally in a mix of red sandstone and white render with blackened timber cladding to bay window surrounds and areas of black timber framing. Windows and doors would be aluminium framed.

3.3.3 Vehicular access would be taken from the existing driveway to the Bungalow, utilising the Thornton House private drive to access the public highway. Car parking and turning space would be provided within the curtilage for at least two cars.

3.3.4 The sandstone wall boundary to the east would be retained with a new 1.8m high brick walled boundary to the north alongside the drive serving the Bungalow and Sandy Lodge, with timber fencing to the rear where the boundary abuts the garden land retained by the Bungalow. Some tree work would be needed to the southern boundary to accommodate the dwelling.

### **3.4 Development Plan**

3.4.1 The site is designated as part of the Green Belt, a Conservation Area and an Area of Special Landscape Value in the Unitary Development Plan (UDP). The site is also identified on the UDP Proposals Map and Proposal GB7 as part of an Infill Village in the Green Belt under Proposal GB7.

Limited infilling in existing villages including limited affordable housing subject to local community needs which does not damage the visual amenities of the Green Belt by virtue of its siting, materials or design can be permitted under the terms of UDP Policy GB2 subject to compliance Policy SH6. This will need to be considered in the context of updated guidance in the National Planning Policy Framework.

- 3.4.2 UDP Policy HS4 sets the criteria which must be met for all new residential development to ensure that new development relates well to surrounding property in relation to density and form; that new development does not result in a detrimental change in the character of the area; that access and parking is capable of satisfactory provision; that appropriate landscaping and boundary treatment is provided with particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5; that development results in a secure environment reducing the likelihood of crime, that adequate garden space is provided; and that adequate separation is made with surrounding properties to protect privacy and amenity for existing residents.

UDP HS10 also sets out criteria relevant to backland development, which includes:

- (i) the retention by the existing frontage dwellings of sufficient garden space;
- (ii) the proposed development including its access, not resulting in a detrimental change in the character of an area, nor in undue noise, disturbance, loss of privacy or sense of enclosure affecting adjoining residents;
- (iii) the proposed access being of sufficient width to provide a private drive of 3.0 metres width with amenity strips to one or both sides, and adequate passing places. The access must be properly formed and hard-surfaced, with adequate sight lines and visibility splays at its junction with the existing road. It should not have a seriously detrimental effect on the street scene or on highway safety;
- (iv) the proposed dwellings having adequate private garden space and adequate vehicle turning and parking/ garaging provision;
- (v) the proposed development not prejudicing the comprehensive development of a larger area of land.

- 3.4.3 UDP Policy GR7 sets out how the Council will consider trees in development proposals. Account will be taken of the general health, structure, size and life expectancy of the trees, their visual amenity and nature conservation value and the Council will require that buildings, structures and hard surfacing be sited in order to:

- i. Substantially preserve the wooded character of a site or surrounding area;
- ii. Provide for the protection of trees of greatest visual or wildlife value and other vigorous healthy trees;
- iii. Ensure that trees to be retained have adequate space in order to prevent damage to their canopies or root structures during construction, and to allow for the future growth of canopy and roots to normal mature sizes;
- iv. Prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms, to secure an open and unshaded garden, or to remove perceived dangers to life and property;
- v. Protect trees on adjacent land which may be affected by development proposed.

- 3.4.4 UDP Policy CH1 indicates that development likely to affect a listed building or structure will be permitted where: the proposals are of a nature and scale appropriate to retaining the character and design of the building or structure and its setting; and adequate provision is made for the preservation of the special architectural or historic features of the building or structure. As with Conservation Areas, special regard will be given to matters of detailed design and the materials proposed.

- 3.4.5 UDP Policy CH2 permits development where the visual and operational impact of the

proposals can be demonstrated to preserve or enhance:

- i. The distinctive characteristics of the area, including important views into and out of the Conservation Area;
- ii. The general design and layout of the area including the relationship between its buildings, structures, trees and characteristic open spaces; and
- iii. The character and setting of period buildings, and other elements, which make a positive contribution to the appearance and special character of the area

When granting consent for development in Conservation Areas, special regard will be given to matters of detailed design, especially within main frontages or prominent elevations, and to the nature, quality and type of materials to be used.

- 3.4.6 UDP Policy CH15 sets out the principal planning objectives for the Thornton Hough Conservation Area, which will be to: retain a compact settlement pattern within the setting of a historic country estate; preserve the consistency of scale and the variety of design, building materials and architectural detailing of individual buildings and cottage terraces; and preserve the settings of St George's Church and All Saint's parish church as focal points within the village.
- 3.4.7 SUDP Policy NC7 confirms that development considered to have an adverse effect on wildlife species protected by law will not be permitted unless the Council is satisfied that the protection of the species can be secured by conditions or planning obligations.
- 3.4.8 UDP Policy LA2 defines Thornton Hough as an Area of Special Landscape Value. Policy LA1 states that proposals will not be permitted that: introduce new intrusive development within an otherwise open setting; result in the loss or erosion of distinctive landscape features such as woodlands, hedges and trees without appropriate replacement provision; and any proposal which in terms of its siting, scale, form and appearance would detract from the appearance of the area or intrude within important views.
- 3.4.9 UDP Policy TR9 states that in assessing the off-street parking provision associated with new development proposals, the Local Planning Authority will be guided by the following considerations:
- i. the contribution of the proposal in supporting the general locational policies of the UDP;
  - ii. the impact on the competitive position of urban centres;
  - iii. the availability in the locality of alternative modes of transport;
  - iv. the operational minimum and maximum level of car parking requirement associated with the proposed development;
  - v. road safety and traffic management issues in the locality of the proposal; and
  - vi. the likelihood of cars being parked on residential roads.

### **3.5 Other Material Planning Considerations**

- 3.5.1 The Local Planning Authority has a duty under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or its setting or any features of architectural or historic interest and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when considering the current application.
- 3.5.2 The National Planning Policy Framework (NPPF) makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development to secure net gains across economic, social and environmental objectives. There is a presumption in favour of sustainable development, which means approving proposals that accord with an up-to-date development plan, or granting permission where policies are out of date unless other NPPF policies that protect areas or assets of particular importance such as the Green Belt and designated heritage provide a clear reason for refusal (NPPF paragraphs 7, 8 & 11 refer).

- 3.5.3 Paragraph 192 of the NPPF states that Local Authorities, when determining applications should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.5.4 NPPF advises at paragraph 193 that 'great weight' should be given to the conservation of a designated heritage asset when considering the impact of development on significance. If a proposed development is considered to cause total loss or substantial harm to significance planning permission should be refused unless specific circumstances listed in the NPPF apply. If a development would lead to less than substantial harm to significance, the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use.
- 3.5.5 When considering applications, Local Planning Authorities are expected to ensure substantial weight is given to any harm to the Green Belt (NPPF paragraph 144). NPPF paragraph 145 of the NPPF goes on to indicate that Local Planning Authorities should regard the construction of new buildings as inappropriate within a green belt unless the development falls within one of 7 specific exemptions, one of which is 'limited infilling within villages.'
- 3.5.6 NPPF Section 12 makes it clear that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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. Paragraph 130 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 3.5.7 Paragraph 108 of the NPPF expects appropriate opportunities to promote sustainable transport modes to be taken up given the type of development and its location; safe and suitable access to the site to be achieved for all users and that any significant impacts of development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.5.8 Paragraph 175 of the NPPF expects planning decisions to avoid significant harm to biodiversity. If significant harm cannot be avoided (through locating on an alternative site with lesser impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 3.5.9 The Thornton Hough Conservation Area Appraisal dating from 2009 identifies the special character, or significance, of the area. Amongst other characteristics are the picturesque layout of buildings, carefully planned to create views and vistas between key elements. the high quality of the construction materials, landscaping and architectural design of buildings.

### **3.6 Assessment**

- 3.6.1 The main issues pertinent in the assessment of the proposal are;
- Assessment against Green Belt policy and the Principle of Development;
  - Appearance, Scale and Layout and its effect on the character and appearance of the Thornton Hough Conservation Area;
  - Appearance, Scale and Layout and its effect on the setting of adjacent Listed Buildings;
  - The Amenity of existing neighbours and potential future occupiers;
  - Arboriculture and Ecology

- Access, Parking and Servicing
- Other Material Considerations

### 3.7 Green Belt Policy and the Principle of Development

3.7.1 Thornton Hough is defined within the UDP as an infill village within the green belt and UDP Policy GB6 allows new development in such villages where the development is considered to be filling a small gap within the defined built up envelope of the village. Such infill development is also identified within the NPPF as being 'not inappropriate' within a green belt. It is considered this site meets the definitions of 'infill' and therefore the principle of constructing a new dwelling here can be accepted, provided that the siting and design of the dwelling meets the objectives of UDP Policy HS4

### 3.8 Effect on the Conservation Area

3.8.1 UDP Policy CH15, supported by the Conservation Area Appraisal sets out the key characteristics of the Conservation Area and the planning principles designed to maintain these characteristics. These are set out in paragraph 3.4.6 above. The siting of the development does not conflict with any of these principles. It does not extend the compact settlement pattern, does not comprise the alteration of any existing historic building within the area and does not affect the setting of the churches, being absent from any of the identified key views which protect these assets. Indeed, the building is located in a secluded position, away from any public vantage point and will not affect how the conservation area is perceived by the vast majority of residents and visitors.

3.8.2 The building is sited in a location where infill development has been accepted in the past, namely Sandy Lodge in 1999 and its design, whilst contemporary, uses high quality locally distinctive construction materials that respect the materials used on historic buildings without mimicking their appearance. The seclusion of the location means that contemporary design can be accepted and this is not a location of such visibility or sensitivity to the character of the Conservation Area where a traditionalist approach is necessary.

3.8.3 The purpose of conservation areas, and indeed the planning system as a whole, is not to prevent change, but to manage it in a manner that is responsive to local character and history. It is considered the proposed scheme achieves this, and no harm is caused to the character and appearance of the wider conservation area. As such the application is considered to meet the objectives of saved UDP policies CH2 and CH15.

### 3.9 Effect on the setting of Listed Buildings

3.9.1 Thornton House is a late Victorian house of 1895 in stone with a timber framed first floor and slated roof now subdivided into five individual dwellings. It is listed at Grade II along with its former stable buildings to the north, now also converted to dwellings and two lodge houses fronting Thornton Common Road.

3.9.2 Historic mapping would suggest that the land now comprising the curtilages of The Bungalow and Sandy Lodge was used as a working garden with the 1910 and post war Ordnance Survey mapping showing glasshouses on the land, the pleasure grounds were located to the east and south of the House. There is little evidence of this former use on the ground with the buildings and their domestic gardens dominating. The sandstone wall enclosing the eastern boundary of the site alongside the private drive does perhaps point towards the working garden history of the site.

3.9.3 Over time, the integrity of the landscaping around Thornton House has been eroded, through its subdivision into five dwellings, each with their own private gardens with physical divisions, and by new residential development fronting Thornton Common Road and Raby Road. Given this previous development and particularly the development of The Bungalow and Sandy Lodge, the application site is not of such significance to the setting of the House to warrant refusing planning permission for the construction of a further dwelling on the land in principle. What's important, in the view of the Conservation Officer, is the maintenance of the tree and hedge screening to the southern boundary of the site to screen and soften views of the proposed dwelling from Thornton House, which can be achieved in this case.



- 3.9.4 The proposed dwelling presents a sandstone face elevation to Thornton House which is an appropriate construction material in the context and the predominant walling material to surrounding historic buildings. Whilst the proposed building is on slightly higher ground than Thornton House itself, its substantially smaller footprint and position offset to the side of the principal elevation ensures that the development would not dominate the Listed Building.
- 3.9.5 On the basis of the above, the scheme complies with the requirements of saved UDP policy CH1 as the nature and scale of the proposal and its use of construction materials maintains the setting of the Listed Building. In the view of Officers, no harm is caused to the significance of the heritage asset.
- 3.10 The Amenity of existing and potential future residents
- 3.10.1 The nearest neighbouring dwellings are 5 Thornton House to the south east, Sandy Lodge to the north and Power House to the west. The Bungalow, immediately to the west is within the ownership of the applicant. There is a close relationship between the rear of the dwelling and the southern garden to the Bungalow which will result in this area being overlooked by first floor bedroom windows of the proposed dwelling. As The Bungalow is not a third party dwelling the close relationship is not harmful to amenity. Should the applicant come to sell one or both of the Bungalow or the proposed dwelling, the purchasers will be aware of the relationship.
- 3.10.2 There is a distance of approximately 21 metres between the side elevation of the proposed dwelling at 5 Thornton House which is sufficient to prevent an overbearing effect when taking into account the raised ground level of the application site. The Council has a recommended minimum distance of 14 metres to prevent an adverse overbearing effect. The orientation of the dwelling to the north west of the neighbour will prevent harmful overshadowing whilst there are no main habitable room windows to the facing elevation. Those present to the first floor serve a bathroom and can be obscurely glazed.
- 3.10.3 The building separation to Sandy Lodge to the north is approximately 27 metres at its closest point, whilst the distance to the boundary is approximately 16 metres at its closest point. Both distances are sufficient to prevent harmful overlooking, overshadowing or overbearing effect in planning terms, and exceed the Council's recommended minimum separation distances.
- 3.10.4 Power House is situated directly on the boundary with The Bungalow and has obscurely glazed windows on the boundary. There is no outlook from these windows and no possibility of overlooking, and the distance of 16 metres between Power House and the proposed dwelling at its closest point is sufficient to prevent these windows being harmfully overshadowed.
- 3.10.5 On this basis the relationship between the proposed dwelling and third party neighbours is satisfactory and compliant with saved UDP policy HS4.
- 3.10.6 Any noise and disturbance arising from construction activity will be of short duration given the small scale of the project and should this become a nuisance, action can be taken under Environmental Health legislation. Once constructed, a single dwelling is not an inherently noisy use and Environmental Health legislation remains available to address any nuisances.
- 3.10.7 The dwelling provides a good standard of amenity for potential occupiers. Windows from habitable rooms have a good outlook and the private amenity space is of sufficient size. Whilst the rear garden area is small, the entirety of the curtilage would be enclosed by 1.8 metre high walling or fencing to the north and west, the existing stone wall to the east and existing hedging and trees to the south. On this basis the entirety of the curtilage is private and can be considered as outdoor amenity space.
- 3.11 Arboriculture and Ecology
- 3.11.1 The application is accompanied by an Arboricultural Survey which assesses the quality and condition of all trees on site, which are predominantly located to the southern and eastern

boundaries of the site with Thornton House. All the trees are within category C with the exception of T7, an 8 metre high Walnut within category B. No works are scheduled for this tree. The survey also considers a holly hedge to the southern boundary. Whilst the trees are categorised within group C for their Arboricultural quality, this doesn't take into account the conservation and screening value of the trees which, in the view of the Conservation Officer is high, and the retention of these trees is necessary to make the development acceptable in terms of its effect on the setting of Thornton House. Therefore, the works to the trees and hedge to the southern boundary are not necessary to construct the dwelling as the siting of the building is outside of the root protection areas of these trees.

- 3.11.2 To the southern boundary there is a 12 metre Horse Chestnut, 2 five metre high damsons and a 12 metre high Maple which are all to be removed or coppiced, works which will substantially reduce their screening value. In addition, the Holly hedge is to be reduced to a height of 2 metres, which again is not necessary to construct the dwelling and would reduce the screening value.
- 3.11.3 A revised schedule of works will be needed, which can be reserved by condition. Some lateral reduction may be acceptable to reduce overhang towards the proposed dwelling but coppicing or removal is not necessary. A revised tree protection plan will also be reserved by condition which will require revisions to the root protection area fencing to take into account a greater amount of tree retention, along with ground protection for construction activity and a specification for no-dig hard surfacing in proximity to retained trees. There are some tree works that are accepted, the removal of small fruit trees within the garden of no screening or visual amenity value, and trees to the front of the dwelling along the stone boundary wall which will be replaced with heavy standard Silver Birches.
- 3.11.4 Prior to the submission of this application, the Council also consented to the removal of a large cherry tree and therefore the retention of this tree is not possible. There are also two dead Elm trees on the boundary, the removal of which does not require the consent of the Planning Authority.
- 3.11.5 It is concluded that in arboricultural terms, the development can be made acceptable through the use of conditions which will secure tree retention and accord with the objectives of saved UDP policy GR7.
- 3.11.6 The application is accompanied by an ecological appraisal which has been considered and accepted by MEAS. Trees on site have no, or negligible, bat roost potential and therefore further assessment is not required. Vegetation management works may result in the loss of breeding bird habitat so conditions will be required to prevent this work happening during the breeding season (unless inspected first by an ecologist) and to require bird boxes to be installed on site. Reasonable avoidance measures will also be required to mitigate the effects of construction on terrestrial mammals. Subject to these conditions the development will avoid harm to biodiversity and will accord with saved policy NC7 of the UDP and paragraph 175 of the NPPF.
- 3.12 Access, Parking and Servicing
- 3.12.1 The dwelling would be accessed via the private drive off Thornton Common Road which already serves dwellings within the historic grounds of Thornton House. The Local Highway Authority raises no objections to the use of this access from the public highway and does not raise any questions of safety. The additional vehicles generated by a single dwelling would not result in such an intensification of use of the private drive to the extent that the volume of traffic entering and leaving the public highway represents a highway safety concern. Representations have been made over the effect of additional traffic on the condition of the drive and the legality of its use by occupiers of the new dwelling. These matters fall outside the remit of a planning decision and are civil matters to be agreed between the applicant/developer and the landowner. The in-curtilage parking provision is for two dwellings, which can enter and leave the site in a forward gear. The driveway within the curtilage of the proposed dwelling can also accommodate additional visitors. The application meets the objectives of saved UDP policies TR9 and HS4 in respect of access and servicing and no objection is raised on these grounds. To facilitate construction vehicle

access it is possible that the stone boundary wall to the eastern boundary of the site will require partial demolition to widen the access. Provided this is re-instated post construction there is no objection and a condition is proposed to secure a method statement for the dismantling and re-construction of the wall, including a timescale for re-instatement.

3.13 Other Material Considerations

3.13.1 Landscape - The proposed development has no material impact on the character of the wider special landscape area surrounding Thornton Hough. The scheme is contained within the built up confines of the village and does not introduce new intrusive development in an open setting, does not result in the loss or erosion of distinctive landscape features and does not intrude into important views either into or out of the village. As such, there is no conflict with saved UDP policy LA1.

Archaeology - The site lies within the early medieval village of Thornton Hough thought to date from the 7th century onwards. There is one non-designated heritage asset recorded adjacent to this site on the Merseyside Historic Environment Record. MME15224, is the site of a house, known to have been in existence from the mid-18th century. MEAS advises that the site has the potential to contain below ground remains relating to activity on the edge of the early medieval, medieval and post-medieval village. As such a programme of Archaeological Investigation should be required in accordance with saved policy CH25 of the Wirral Unitary Development Plan and this can be secured through a suitably worded planning condition.

**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: -

The proposed scheme represents the construction of a new open-market dwelling in the Green Belt, which is not inappropriate by virtue of its location within an infill village. The siting, design and external appearance of the proposed dwelling causes no harm to the significance of Thornton Hough conservation area and, subject to details reserved by condition, will have no adverse effect on the setting of the Grade II Listed Thornton House. There are no other environmental considerations, including residential amenity, biodiversity and highway safety that would outweigh the economic and social benefits of increasing the supply of housing in Thornton Hough. As such the application complies with the relevant requirements of the development plan and comprises sustainable development under the terms of 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. Unless modified by other conditions of this consent, the development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 15 November 2019 and listed as follows:

B101 Revision A (Proposed Site Plan)

B102 (Proposed Plans)  
B103 (Proposed Elevations)

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

3. NO DEVELOPMENT SHALL TAKE PLACE until a Written Scheme of Investigation for a programme of archaeological work, prepared by a qualified Archaeologist, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the archaeological work, and development, shall take place in accordance with the approved details.

**Reason:** To accord with the provisions of saved policy CH25 of the Wirral Unitary Development Plan as the site is considered to be of archaeological interest.

4. NO WORKS TO TREES OR HEDGES SHALL TAKE PLACE, NOR SHALL ANY PLANT OR MATERIALS BE BROUGHT ONTO SITE UNTIL:
- i. A revised schedule of works to trees and hedges has been submitted to and approved in writing by the Local Planning Authority. Such schedule shall be designed to maintain an effective tree and hedge screen to the boundary of the site with Thornton House;
  - ii. A revised tree protection plan and method statement has been submitted to and approved in writing by the Local Planning Authority which demonstrates the provision of root protection area fencing in line with the requirements of British Standard 5837:2012 'Trees in Relation to Construction - Recommendations' or any subsequent amendment to that document, around all trees, hedges, shrubs or other planting to be retained, ground protection, and no-dig construction methods for any hard surfacing within or immediately adjacent to root protection areas; and
  - iii. The tree protection fencing, and ground protection has been installed in accordance with the approved details.

Thereafter the root protection area fencing, and ground protection shall be retained until all construction authorised by this permission is complete. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification.

**Reason:** In the interests of the health and amenity value of trees and to maintain the setting of the listed building in accordance with saved policies GR7 and CH1 of the Wirral Unitary Development Plan.

5. NO DEVELOPMENT ABOVE GROUND FLOOR SLAB LEVEL SHALL TAKE PLACE UNTIL

- i. sample panels of the proposed external stone walling and brick boundary walling have been erected on site and approved in writing by the Local Planning Authority. The sample panels shall measure at least 1 square metre in area and demonstrate the type, size, colour, pointing, dressing and coursing (as applicable) of the material to be used;
- ii. Samples of the other external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Thereafter development shall be carried out as approved.

**Reason:** To maintain the character of the Conservation Area, the setting of the Listed Building and wider visual amenity in accordance with the objectives of saved policies CH1, CH2 and HS4 of the Wirral Unitary Development Plan.

6. NO DEVELOPMENT ABOVE GROUND FLOOR SLAB LEVEL SHALL TAKE PLACE UNTIL a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a plan and specification and

demonstrate:

- i. The materials to be used for hard and soft surfacing;
- ii. Compensatory tree planting to replace those specimens removed as part of the development to include the location, number, species and size of trees to be planted;
- iii. Any earthworks required;
- iv. The location and design of fences, gates, walls, railings or other means of enclosure; and
- v. The timing of implementation of the scheme.

Thereafter development shall be carried out as approved.

**Reason:** To maintain the character of the conservation area, the setting of the Listed Building, and wider visual amenity in accordance with saved policies CH1, CH2 and HS4 of the Wirral Unitary Development Plan.

7. If, within a period of five years from the date of planting of any tree under the landscaping scheme approved under condition 6, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place unless the Local Planning Authority agrees to any variation.

**Reason:** In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

8. No vegetation removal shall take place within the main bird nesting season (March to September inclusive) until a pre-commencement check is carried out by a qualified ecologist no earlier than 48 hours before works take place and the qualified ecologist confirms in writing to the Local Planning Authority, within 48 hours of the check taking place, that no actively nesting birds will be affected by the works.

**Reason:** In order to avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

9. THE DWELLING HEREBY APPROVED SHALL NOT BE OCCUPIED UNTIL details of bird boxes to be erected on site, to include number, type and location, on a suitably scaled plan, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the boxes shall be installed in accordance with the approved details.

**Reason:** To avoid harm to protected species arising from the potential loss of breeding bird habitat, in accordance with the objectives of saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

10. NO PLANT OR MATERIALS SHALL BE BROUGHT ONTO SITE UNTIL a pre-commencement check for terrestrial mammals has been carried out by a qualified ecologist and if discovered, any relevant species have been removed to a place of safety. Thereafter, during the construction phase:

- i. all trenches and excavations shall have a means of escape (such as a ramp)
- ii. any exposed open pipe systems shall be capped to prevent mammals gaining access; and
- iii. materials shall be stored on raised pallets to prevent mammals using them for shelter.

**Reason:** To avoid harm to biodiversity interests in accordance with paragraph 175 of the National Planning Policy Framework.

11. There shall be no alteration to the existing stone wall forming the eastern boundary of the site until a method statement for its partial dismantling and re-erection has been submitted

to and approved in writing by the Local Planning Authority. The method statement shall make provision for:

- i. A photographic record of the existing wall prior to any alteration to be used as a guide for its post construction re-erection and a methodology for its dismantling;
- ii. The secure storage of the stone during construction of the dwelling;
- iii. A specification for its re-construction to include construction drawings and the mortar mix to be used; and
- iv. A timescale for the re-construction of the wall.

Thereafter the works shall take place as approved.

**Reason:** To ensure the long term retention of the existing stone wall to maintain the character of the Conservation Area and the setting of the adjacent Listed Building, in accordance with saved policies CH1 and CH2 of the Wirral Unitary Development Plan, whilst allowing reasonable construction vehicle access to the site.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking and re-enacting the provisions of that Order, no extensions, additions or alterations to the roof, porches, garages or other outbuildings shall be erected without the further grant of planning permission by the Local Planning Authority.

**Reason:** To enable the effect of such development on the character of the Conservation Area and the setting of the Listed Building to be properly assessed in accordance with the objectives of saved policies CH1 and CH2 of the Wirral Unitary Development Plan.

13. The first floor windows to the north west and south east side elevations of the dwelling hereby approved (to include the entirety of the stairwell window to the north west elevation) shall be fitted with glazing obscured to at least level 3 of the Pilkington scale of privacy prior to first occupation. Thereafter the obscured glazing shall be retained.

**Reason:** To ensure the privacy and amenity of neighbouring residents in accordance with the objectives of saved policy HS4 of the Wirral Unitary Development Plan.

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

1. Merseyside Fire and Rescue Service advise the following:
  - i) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations;
  - ii) Water supplies for firefighting purposes should be risk assessed in accordance with the Service's housing guidance in liaison with the water undertakers (United Utilities) with suitable and sufficient fire hydrants supplied; and
  - iii) The premises should comply with Section 55 of the County of Merseyside Act 1980.

**Last Comments By:** 25/12/2019

**Expiry Date:** 10/01/2020