

**Planning Committee**

**15 October 2020**

**Reference:**  
**APP/20/00741**

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

**Case Officer:**  
**Ms C Robinson**

**Ward:**  
**New Brighton**

**Location:** 25 WARWICK DRIVE, EGREMONT  
**Proposal:** To create a small mews style 3-Bed house within the grounds of the existing property at 25 Warwick Drive, Wallasey.  
**Applicant:** Peelclose Properties  
**Agent:** Architectural Emporium

**Qualifying Petition:** Yes, Number of Signatures: 87

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: 25 WARWICK DRIVE, EGREMONT  
Application Type: Full Planning Permission  
Proposal: (Amended Plans) Two and three storey extension to provide 4 additional flats.  
Application No: APP/17/01540  
Decision Date: 15/02/2019  
Decision Type: Refuse

Location: 25 WARWICK DRIVE, EGREMONT  
Application Type: Full Planning Permission  
Proposal: To create a small mews style 3-Bed house within the grounds of the existing property at 25 Warwick Drive, Wallasey.  
Application No: APP/20/00123  
Decision Date: 03/04/2020  
Decision Type: Refuse

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

**1.1** Cllr Tony Jones has raised concerns regarding the following matters, and requested that the application be removed from delegation for the following reasons:

- Separation distances
- Emergency vehicle access
- Overlooking
- Parking facilities

**2.0 SUMMARY OF REPRESENTATIONS****2.1 REPRESENTATIONS**

The residents of fifteen neighbouring properties were individually notified by way of advertisement of this application. At the time of writing this report, fourteen representation had been received objecting to the proposals. The main concerns are surmised as follows:

1. Additional parking problems on an already busy road
2. Noise concerns
3. Encroachment of privacy
4. Concerns for trees; three surrounding trees looks very close to the site, and it is imperative to Wirral Council's commitment to ensuring positive action in response to our green environment and approach to the local impact on climate change that trees are retained.
5. Development on this site is continually rejected
6. Vehicles from Warwick Drive already park on Manor Lane, rendering it difficult to navigate - this proposal would worsen the issue, reduce access for emergency vehicles and obstruct access to the garages at Caithness Drive
7. The plans are not in keeping with the local area and look unsightly
8. Precedent for further development
9. Manor Lane is a peaceful walking area with no room for parking
10. Concerns for longevity of the existing trees on the boundary with no.22 Caithness Drive
11. Particularly in the current climate, loss of garden space should not be allowed
12. Local character is late Victorian houses with an air of speciousness due to the generous gardens; the development proposed would negatively impact on local character due to overdeveloping the medium sized property garden.
13. Maintenance issues with the wall at the bottom of 20 Caithness Drive (who own said wall) since the property shall directly abut it

14. Rooflights facing Caithness Drive are of concern in terms of amenity/separation distances.
15. Two windows in the existing house at 25 Warwick Drive would be bricked up and only a very narrow window opened up to compensate.

The application was subsequently re-advertised following the submission of amended drawings, and attracted five further comments; one neutral, and four of objection as follows:

1. Destruction of green space
2. Overlooking and loss of light of existing properties at 25 Warwick Drive
3. Exasperate existing parking issues
4. Make the road unsafe for pedestrians
5. Increase in traffic increases risks of theft and rubbish
6. Unnecessary tree felling
7. Detrimental impact to the environment and community relations
8. Safety issues due to the narrow width of the lane and the frequency of its use
9. The proposal is overbearing and a prime example of 'garden grabbing'
10. Footprint is enlarged, thus exasperating previously highlighted issues

A petition of objection, containing 87 signatures, has also been received. The main concerns are surmised as follows:

1. Overdeveloping garden space and resulting in a cramped street scene
2. The house proposed is of an inappropriate scale for the plot, resulting in a cramped and gloomy property with no outlook
3. Unacceptable compromises to the amenity of neighbouring residents
4. Using obscure glass in the new bedroom windows is not acceptable
5. Endangering the stability of a group of nearby mature trees
6. Exasperating existing congestion issues

## 2.2 CONSULTATIONS

**Highways** - The change to the existing boundary wall introduces a slight splay to the proposed vehicle access to the single in-curtilage parking space; this will help to improve visibility for vehicles when exiting the property onto Manor Lane. As this road is only lightly trafficked and vehicles also manoeuvre slowly along it due to the sharp bend, the proposed vehicle access, although not meeting the usual recommended visibility splay standard, is not considered to have a significant impact on highway safety and on this basis there would be no objection to the proposals.

**Merseyside Environmental Advisory Service** - Several trees were assessed for their bat roosting potential and were deemed to have negligible suitability for roosting bats due to the absence of potential roosting features. The vegetation on site may provide nesting opportunities for breeding birds, which are protected; planning conditions are recommended. Records were returned for within 1km of the site for hedgehog and common toad which are Priority Species and UDP policy NC7 applies. Reasonable avoidance measures should be put in place to ensure that there are no adverse effects on these species. There are no objections subject to planning conditions to reinforce the critical aspects.

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

- 3.1.1 Councillor Tony Jones requested that the application be taken out of delegation due to concerns regarding the impact of the development expressed by local residents. A qualifying petition of objection has also been received.

## 3.2 **Site and Surroundings**

- 3.2.1 The existing property is a detached red brick building located at the end of Warwick Drive and the corner of Manor Lane that is currently converted into 4 flats. The neighbouring properties are typically large three storey houses, some of which are in single occupancy and others that have been converted into flats.

### **3.3 Proposed Development**

- 3.3.1 This application seeks permission for the erection of a mews style 3-bedroom house within the rear garden of the existing property at 25 Warwick Drive. This application is a resubmission of previously refused permission APP/20/00123.

### **3.4 Development Plan**

- 3.4.1 UDP Policies  
HS4 - Criteria for New Housing Development Policy,  
GR5 - Landscaping  
GR7 - Trees  
Joint Waste Local Plan Policy WM9

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

#### **3.5.1 NPPF**

The National Planning Policy Framework (NPPF) supports sustainable housing development which encompasses good design and widens the choice of high-quality homes. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area. Local Planning Authorities are expected to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Planning policies and decisions should optimise the potential of sites to accommodate development.

#### **3.5.2 SPD4 - Parking Standards**

This document sets out maximum standard of 2 parking spaces for houses with 3 bedrooms. The layout should ensure that the amenity of neighbours and occupants is not unduly affected by noise, exhaust fumes, and overlooking.

Lower levels of parking may be encouraged in highly accessible areas where alternative modes of transport are available that can meet the likely demand for travel generated by the development – example include the proximity town centre and access to regular public transport services. In these cases, it must be demonstrated that there will be no over-spill parking that would have an adverse impact on the safety or amenity of existing residents and/or other occupiers.

### **3.6 Assessment**

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

- Principle of development (appropriateness of residential development in rural location);
- Design and visual amenity;
- Highways and PROW;
- Ecology and trees; and
- Neighbouring amenity

#### **3.7 Principle of Development:**

- 3.7.1 The site is located within a Primarily Residential Area and as such the principle of developing the site to provide additional residential accommodation is acceptable subject to compliance with all the criteria in in UDP Policy HS4.

#### **3.8 Design and visual amenity:**

- 3.8.1 Warwick Drive consists largely of red brick semi-detached dwellings of a traditional design. The existing property at number 25 is of a similar design, albeit that it is detached. The proposed property is a smaller mews style property, with a simple rectangular footprint and irregular roof slope. The design - void of feature bay windows and prominent design features - is likely a product of attempting to ensure an acceptable standard of amenity for

neighbouring residents.

3.8.1 The unsympathetic modern design constituted a reason for refusal of the previous application. This application generally retains the overall silhouette, bulk and massing of the previous application though the overall design approach has been refined in order to be a more sympathetic contribution to the heritage character of the locality. Most notably the roof profile of the property has been amended to be more typical of traditional domestic residences. The fenestration pattern and scale now mimic the existing property at no.52. Relief has also been added to blank facades via 'bricked up windows' and brick detailing; such design cues also better assimilate this modern property to its heritage context.

3.8.2 Unchanged from the original application, the property is generally discrete in its overall scale and design; this remains a factor weighing in favour of the overall design approach. Per the above, the design has been amended to result in a softer more traditional property. The resultant design is now not considered sufficiently visually detrimental as to constitute a refusal reason for this application.

3.9 Highways:

3.9.1 The development proposed will result in a three-bedroomed dwelling. Per the Council's adopted parking standards, found within SPD4, a maximum of 2 spaces should be provided. It is noted that many existing properties of Warwick Drive rely on on-street parking provision as opposed to private driveways. The proposed development will include space for the parking of one vehicle. There is limited manoeuvring space in order to allow for a vehicle to enter and exit the site in a forward-facing gear, however this scenario is representative of those properties along Warwick Drive which do benefit from private parking provisions. With these factors in mind, the parking provision proposed is considered to acceptably accord with SPD4. It is not either considered that the introduction of one property at this location shall materially impact on the local highway network.

3.10 Ecology and trees:

3.10.1 The site has been recognised as having a low potential for bat roosting. Breeding birds could be present on site, however harm in this regard can be mitigated via planning condition dictating the timing of works. Other reasonable avoidance measures are suitable for safeguarding nearby identified protected species and designated sites. Where trees are concerned, the submitted arboricultural survey confirms that the proposed works will cause very minor encroachment (<2.5m<sup>2</sup>) into the root protection area of T3 and T4 but it is considered that the trees can tolerate this slight disturbance due to their form and condition. As such, it is concluded that the proposed development will not have any adverse effects on the neighbouring trees. Appropriate conditions placed upon the planning decision notice shall reinforce the key issues on these matters.

3.11 Neighbouring amenity:

3.11.1 Guidance in relation to levels of amenity being achieved between residential neighbours' states that where the sole window to a main habitable room faces a blank wall that there must be a minimum separation distance of 14m. The proposal is designed as that the side facing no.25 Warwick Drive shall be absent of any fenestration. As existing, a first floor flat at existing no.25 has its sole kitchen window facing the development site at a distance of less than 14m. As part of this proposal this window shall be removed, and an alternative light source for this room providing on the side elevation. There are some other habitable windows within 14m of the blank wall of the proposed dwelling, however these do not constitute the only light source into those rooms - further windows also look out onto Manor Lane. Accordingly, this relationship accords with the necessary separation distances.

3.11.2 There are windows proposed facing neighbouring 23 Warwick Drive; these shall serve an en-suite bathroom and bedroom 1. The distance to the party boundary is 1.5m. The first-floor window cills are located 3.8m in height from natural ground level, and the plans confirm that the existing boundary treatment is to be retained; from site inspection, this would be no higher than some 2m in height. The en-suite window would be obscure glazed, thus of no concern in terms of overlooking.

- 3.11.3 The bedroom (one) windows are intended to be partially obscure glazed; being obscure glazed and fixed shut to a height of 1.7m above first floor level, with clear glazing and openers above this height. The most recently submitted designs incorporate a bay window providing two further windows - floor to ceiling in height - into bedroom one; an obscure glazed window also facing neighbouring no.23, and a transparent window facing Manor Lane. This configuration is deemed appropriate in ensuring an acceptable level of privacy to the rear garden of no.23, plus ensuring an outlook to bedroom one as is necessary for an acceptable standard of amenity for the future occupiers.
- 3.11.4 The necessary separation distances can be achieved in terms of fenestration facing Manor Lane, due to the staggered relationship with the nearest neighbouring residents combined with the total separation distance. One window faces the adjacent properties on Caithness Drive, this being a first-floor window; serving a bathroom however, it shall be obscure glazed thus posing no concern in terms of overlooking. The adjacent properties of Caithness Drive (no's 20-24 spanning the rear of this site) possess generous rear gardens, spanning 20-25m in length; on this basis, it is not considered that any overbearing impact concerned with a two-storey development within proximity to their rear curtilage boundary shall unacceptably compromise the private amenity space of these residents.

#### **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 proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal is not considered to give rise to harm in terms of highway safety nor materially impact the local highway network. The existing trees adjacent to the site are also not considered to be detrimentally harmed consequent to the works. The proposal complies with NPPF - Requiring Good Design and HS4 - Criteria for New Housing Development and is therefore considered acceptable.

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

#### **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:

Received August 19th, 2020, listed as follows -

- PR\_ELEVATIONS\_01 3.201\_Rev\_H
- PR\_ELEVATIONS\_02 3.202\_Rev\_G
- PROPOSED\_FLOOR PLANS 3.102\_Rev\_H
- PROPOSED\_ROOF PLAN 3.103\_Rev\_

Received July 16th, 2020, listed as follows -

- PROPOSED\_SITE\_PLAN 3.101\_Rev\_C

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

3. The scheme of tree protection measures, as detailed in the Arboricultural Method Statement dated December 2019, shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

**Reason:** To protect/prevent damage to trees and their canopies during construction in the interests of the visual amenity of the area and to comply with Policy GR7 of the Wirral Unitary Development Plan.

4. Prior to the commencement of above ground works, 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.

5. No building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season, then the building is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

**Reason:** To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

6. Within 3 months of completion of the development hereby permitted, details of bird and bat boxes, to include number, type and location on an appropriately scaled plan, as well as timing of installation, shall be provided to the Local Planning Authority for approval and implemented in accordance with those details.

**Reason:** To mitigate the loss of bird breeding habitat and to increase the availability of bat roosting opportunities in compliance with Policy NC7 in the Wirral Unitary Development Plan.

7. As a precautionary measure the following reasonable avoidance measures are required to ensure that the site is kept unattractive to terrestrial mammals during construction works and to minimise any harm to terrestrial mammals which may be present in the vicinity:

- A pre-commencement check for terrestrial mammals;
- Work only allowed between 8am and 6pm;
- Any holes or trenches dug during the course of construction works and left open overnight must provide a means of escape (e.g. a ramp) for any animal which may fall in;
- Any temporary exposed open pipe system should be capped in such a way as to prevent terrestrial mammals gaining access whilst the contractors are off-site;
- Materials used during the construction works, especially those containing lime, should be stored away from terrestrial mammals' pathways so that terrestrial mammals cannot access them, and to the front of the house, not the rear; and
- Access should be left for the terrestrial mammals to move freely between gardens. Terrestrial mammals' gates can be installed if necessary. Residents to be reminded that this access cannot be blocked.

**Reason:** To protect terrestrial mammals and to comply with Policy NC7 in the Wirral Unitary Development Plan.

8. The first-floor bay windows in the side (East) and rear (North) elevation of the proposed dwelling shall not be glazed otherwise than with obscured glass. The further three first floor windows in the side (East) elevation shall not be glazed otherwise than with obscured glass up to a height of 1.7m, per the approved drawings. All aforementioned windows are to be



fixed shut or non-opening up to a height of 1.7m and top hung, opening inwards or outwards, and thereafter be permanently retained as such.

**Reason:** To safeguard the amenities of occupiers of adjoining properties.

**Further Notes for Committee:**

1. With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

**Drainage**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost-effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change. Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/buildersdevelopers.aspx>

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as main river.

**Water supply**

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk).

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

**United Utilities' property, assets and infrastructure**

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows:

Water assets – [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)



Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk)

**It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.**

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>. You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring **0370 751 0101** to book an appointment. Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services and Planning, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

2. The plans relating to the above application have been examined and below are the Fire Authority's observations:
  - Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.
  - Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.
  - **Housing**
  - The premises should comply with Section 55 of the County of Merseyside Act 1980

**Last Comments By: 13/09/2020**

**Expiry Date: 03/08/2020**