

# Planning Committee

19 December 2013

**Reference:**  
**OUT/13/00955**

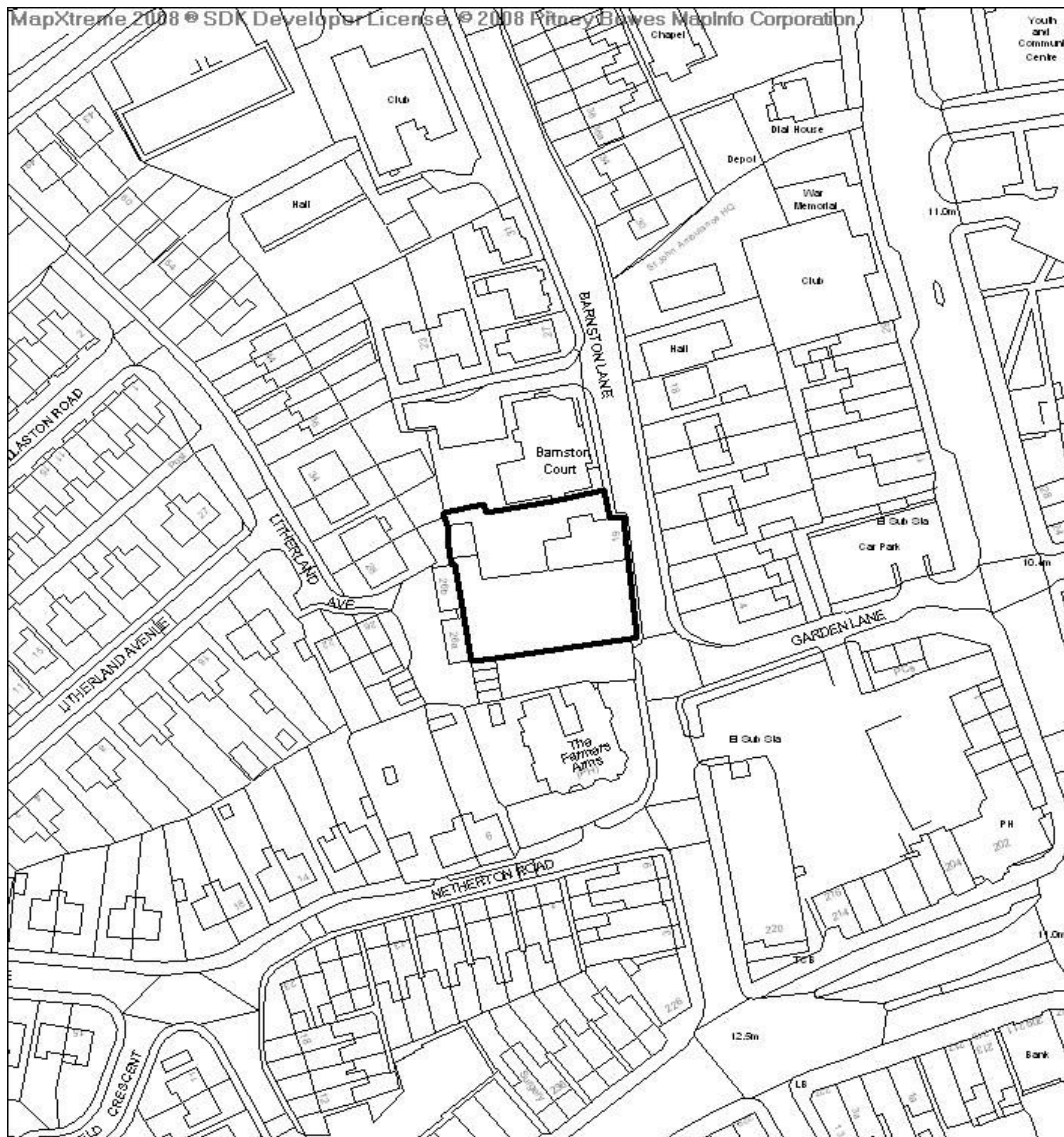
**Area Team:**  
**North Team**

**Case Officer:**  
**Mr M Rushton**

**Ward:**  
**Moreton West and  
Saughall Massie**

**Location:** 19 BARNSTON LANE, MORETON, CH46 7TN  
**Proposal:** Erection of 2 dwelling houses  
**Applicant:** Mr R Enfield  
**Agent :** SDA Architects & Surveyors

## Site Plan:



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**Development Plan Designation:**  
Primarily Residential Area

## Planning History:

Location: 19&19A BARNSTON LANE, MORETON, CH46 7TN  
Application Type: Outline Planning Permission  
Proposal: Change of use of buildings from office use to a dwelling and 4 flats, and erection of 3 new-build houses.

Application No: OUT/13/00687  
Decision Date: 08/08/2013  
Decision Type: Returned invalid

Location: 19, Barnston Lane, Moreton. L46 7TN  
Application Type: Full Planning Permission  
Proposal: Erection of a two storey extension at the side, single storey porch and laying out of car parking area, and change of use of upper floor of existing building to office use.  
Application No: APP/88/05461  
Decision Date: 19/05/1988  
Decision Type: Approve

Location: Land to the north of Farmers Arms Public House, Barnston Lane, Moreton, L46 7TN  
Application Type: Full Planning Permission  
Proposal: Erection of one dwelling house  
Application No: APP/82/21016  
Decision Date: 23/09/1982  
Decision Type: Refuse

Location: N Frms Arms, Barnstn Lane, Moreton, L46 7TN  
Application Type: Full Planning Permission  
Proposal: Erection of dwelling and garage  
Application No: APP/77/08657  
Decision Date: 19/12/1977  
Decision Type: Withdrawn

Location: S 19 Barnston Lane Moreton, L46 7TN  
Application Type: Full Planning Permission  
Proposal: Erection of a pair of semi detached dwellings with garages  
Application No: APP/77/08656  
Decision Date: 19/12/1977  
Decision Type: Withdrawn

Location: S 19 Barnston Lane, Moreton, L46 7TN  
Application Type: Full Planning Permission  
Proposal: Residential development - a pair of semi-detached houses, garage attached  
Application No: APP/77/08658  
Decision Date: 19/12/1977  
Decision Type: Withdrawn

Location: 19 Barnston Lane, Moreton L46 7TN  
Application Type: Full Planning Permission  
Proposal: Erection of one detached, one pair semi-detached houses, 3 garages and one garage space on site 'A' land adjacent 'The Farmers Arms' and site 'B' land adjacent No.19, Barnston Lane.  
Application No: APP/77/08925  
Decision Date: 06/04/1978  
Decision Type: Refuse

Location: S 19 Barnston Lane, Moreton L46 7TN  
Application Type: Full Planning Permission

Proposal: Erection of 3 terraced dwelling houses, 3 garages and 1 garage space on land between No.19 Barnston Lane and 'The Farmers Arms', Barnston Lane  
Application No: APP/77/08926  
Decision Date: 06/04/1978  
Decision Type: Refuse

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

#### **REPRESENTATIONS**

Having regard to the Council's adopted Guidance on Publicity for Planning Applications, 14 letters of neighbour notification were issued to adjoining residents and a Site Notice displayed. At the time of writing three representations have been received, from the occupiers of 28 Litherland Avenue, 10 Barnston Lane, and Barston Court Nursing Home. The comments and concerns made can be summarized as:

1. Three houses would be overdevelopment of the plot;
2. Noise levels during construction would impact the residents of the adjoining residential care home;
3. Query as to whether the development includes alterations to the barn at the rear of the plot (no. 19A);
4. Concern at traffic - whilst there is provision within the site for parking, Barston Lane is narrow at this point and problems have been experienced in the past with access the the site when vehicles are parked in the highway;
5. Barnston Lane is a very busy thoroughfare, so any obstacle to traffic would be a concern;
6. Is access is through the current access point, then it is insufficient for emergency services - there is not enough room to turn around.

#### **CONSULTATIONS**

Head of Environment and Regulation (Traffic and Transportation Divisions) - no objection.

Head of Environment and Regulation (Environmental Health Division) - no objection, subject to the reinforcement of the boundary with the Farmers Arms to a height of 2m with an acoustic barrier.

Merseyside Fire and Rescue - no objection, observations/information provided regarding water supplies and fire appliances.

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

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

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council.

#### **PROPOSAL**

The amended proposal is for the development of 2 residential dwellings on land currently falling within the curtilage of no. 19 Barnston Lane, the last use of which was for offices, but which is currently vacant. The land is currently laid out as landscaping and car parking areas serving that office use.

#### **SITE AND SURROUNDINGS**

The application site is an area of open land providing car parking and landscaped ground to no. 19 Barnston Lane. No. 19 is a building of considerable character, parts of which date from the 17th and 18th Centuries (a datestone of 1719 is visible on the side elevation of the building). Whilst not currently Listed (the property was de-Listed in the 1960's), nor within a Conservation Area, the building contributes strongly to the area. The front elevation of the property faces south, towards the application site, and the area of land that would have provided its garden. There are a number of trees within the site, predominantly to the edges and along a line across the centre of the site (currently the boundary of the car park area).

Beyond no. 19, the site is bordered to the north by a residential care home, Barnston Court, and a small workshop building (no. 19A). To the west there are two residential buildings on the party

boundary - they provide garage parking for properties off Litherland Avenue at ground floor, and residential flats (26a and 26b) at first floor. To the south, the adjoining property is the Farmers Arms public house, the beer gardens of which are immediately adjacent to the site. The boundaries of the site with Barnston Lane and with the Farmers Arms include sections of sandstone walling.

## **POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

### **National Planning Policies**

The National Planning Policy Framework ('NPPF')

### **Wirral Unitary Development Plan**

Policy HS4 - Criteria for New Housing Development

Policy GR5 - Landscaping and New Development

Policy GR7 - Trees and New Development

### **Joint Waste Local Plan for Merseyside and Halton - formally adopted with effect from 18 July 2013**

### **Other**

SPD4 - Parking Standards

### **Submission Draft Core Strategy DPD**

Policy CS21 - Criteria for New Housing Development

The application site is designated within the adopted Unitary Development Plan (UDP) for Primarily Residential Purposes. As such, the principle of development is acceptable, subject to consideration of UDP Policy HS4 and any other material considerations.

Policy HS4 establishes a number of criteria that must be met if new housing development is to be permitted, as follows:

(i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;

(ii) the proposal not resulting in a detrimental change in the character of the area;

(iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;

(iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;

(v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;

(vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and

(vii) the provision of adequate individual private or communal garden space to each dwelling.

The policy also sets out that for all proposals whose main elevations are parallel to other residential properties, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

The proposal is in outline at this stage with all matters reserved, and so conclusions cannot be drawn on matters of detail, however, it is considered that the indicative plans demonstrate that the criteria of the Policy could be met at the reserved matters stage. The proposal is for a low density development, which would achieve a relatively generous spacing, provision of private amenity space (9m rear

gardens are indicated, but siting and layout remain reserved matters), would retain trees to the perimeter of the site. Conditions might be imposed either at the Outline or reserved matters stage to secure tree protection measures, and landscaping including boundary treatment in compliance with UDP Policies GR5 and GR7. The indicative plans set out car parking provision in line with SPD4 - and the Head of Environment and Regulation (Traffic and Transportation Divisions) has raised no objection to the proposed development. Highway and Traffic Implications are considered in full below.

Considering the character of the area, indicative elevations have been submitted suggesting two and a half storey properties set back from the road frontage by some 18m. The scale indicated would sit well with the adjoining buildings, and the siting would enable tree retention at the site (the properties would be sited within a lawn area, avoiding significant trees).

Potential impacts to residential amenity, including separation distances, are considered below.

The site might also be considered as previously developed land, as defined by the NPPF at Annex 2, and the core principles of the Framework include the need to encourage the effective use of land by reusing land that has been previously developed. It must also be noted that the site is highly accessibly, located within the urban area, immediately adjacent to the key town centre and well provided for by public transport infrastructure and local services including shops, the library and public houses.

The proposal can thereby be considered a sustainable development (as defined by the NPPF paragraphs 18 to 219), and as such there is a presumption in favour of development.

#### **APPEARANCE AND AMENITY ISSUES**

In terms of residential amenity, as noted above, the spacing and form of development indicated is such that distances to existing properties avoid potential loss of privacy, outlook or any overbearance. It is not considered that the development would be 'over-development' - amended plans having reduced the number of units proposed from 3 to 2.

Considering privacy, there is a single window to the rear elevation of no. 26b Litherland Avenue, however this does not appear to provide the principal outlook to a habitable room, nor would it face the residential properties proposed - it is located directly to the rear of no. 19 Barnston Lane. The window would overlook part of the area identified within the indicative plans as private amenity space - however, it would be a limited part of the amenity space proposed - other parts would remain more private, and as such the relationship is acceptable.

Similarly, there are habitable windows to the side elevation of the nursing home at Barnston Court, but these windows are 18m from a blank gable to the proposed dwellings - exceeding the 14m normally required by the Council between a habitable room and a blank gable.

It is noted that planning permission was refused for the development of 3 dwellings on an enlarged site in this location in the late 1970's (references APP/1978/8925 and APP/1978/8926, and other applications were submitted and withdrawn in this location). The concern expressed in the refused applications was the relationship between the application site and the adjoining land uses - the office use at no. 19, and the public house use at the Farmers Arms.

The extent of the office use has, since the 1970's reduced, with buildings located to the rear of no. 19 having been demolished - this improves the relationship with the application site from that considered at that time. The potential for no. 19 to be brought into use commercially does, however, remain, and the relationship must be considered. It is noted that no. 19, which is in the ownership of the current applicant, retains land which might provide for servicing, access and parking to the north of the building (between no. 19 and Barnston Court). The office building would look over the car parking and front garden areas of the properties - indicative plans submitted set out that fencing would be utilised to separate the rear amenity space off from this more public area. Amended plans has increased the separation of the nearest proposed dwelling indicated, which is now 4m from the corner of no. 19, and set at 90 degrees. It is not considered that the relationship would result in potential for harm to amenities, nor be an unusual one in an urban area.

Considering the Farmers Arms, again the relationship has changed since the refusal of planning permission in the 1970s - the application site now considered is set further from the public house itself, the public house having established beer garden areas on the land in between in the meantime. There might still be a concern at the potential impact from the use of the beer garden to the amenities of future residents, however, amended plans have increased the separation to this boundary (to 4m), and it is considered that conditions to secure a close boarded fence above the existing boundary wall, and noise insulation/acoustic glazing to the properties, would reduce potential impacts to a reasonable level. The Head of Environment and Regulation (Environmental Protection Division) has raised no objection to the proposal, having considered this relationship. It is not unusual for a residential property to adjoin a public house, and acoustic fencing and acoustic glazing/noise insulation to the proposed dwelling sharing a party boundary with the public house might be secured at the reserved matters stage.

Construction impacts cannot be considered grounds for refusal of planning permission.

The application site is not considered to retain wildlife value warranting mitigation. The requirement to submit reserved matters applications would ensure adequate landscaping is delivered within the development proposed, as well as measures such as the protection of trees and character boundary walling.

Considering appearance, as noted above a reserved matters application would confirm the visual appearance of the dwellings.

The site is identified on the Council's records as being of archaeological importance, and it will be necessary to impose a condition requiring submission of a scheme of archaeological works at the site to secure information should the development proceed.

#### **SEPARATION DISTANCES**

As noted above, there is a single window to the rear elevation of no. 26b Litherland Avenue, however, this does not appear to provide the principal outlook to a habitable room, nor would it face the residential properties proposed - it is located directly to the rear of no. 19 Barnston Lane. Similarly, there are habitable windows to the side elevation of the nursing home at Barnston Court, but these windows are 18m from a blank gable to the proposed dwellings - exceeding the 14m normally required by the Council between a habitable room and a blank gable.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

It is not considered that there are significant highway issues. The Director of Technical Services (Traffic and Transportation Divisions) has raised no objection to the development.

#### **ENVIRONMENTAL/SUSTAINABILITY/HEALTH ISSUES**

There are no significant environmental, sustainability or health implications.

#### **CONCLUSION**

The proposed development is not considered to have a detrimental impact to residential amenity or character. The contribution of the development to meeting identified housing needs, is a material consideration in favour of development. The proposal would accord with the provisions of UDP Policy HS4, with the National Planning Policy Framework (paragraph 74) and Draft Core Strategy Policies.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is not considered to have a detrimental impact to residential amenity or character. The contribution of the development to meeting identified housing needs, is a material consideration in favour of development. The proposal would accord with the provisions of UDP Policy HS4, with the National Planning Policy Framework (paragraph 74) and Draft Core Strategy Policies.

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

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

**Reason:** To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) Layout
- (b) Scale
- (c) Appearance
- (d) Access and
- (e) Landscaping

For the avoidance of doubt, the reserved matters shall:

- i) set out arrangements for the retention of existing sandstone boundary walls,
- ii) include a survey of existing trees and methods of measures of protection during the construction phase.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. The remainder of the undeveloped land within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality, having regard to UDP Policy GR5.

4. For the avoidance of doubt, in any subsequent application for the approval of reserved matters, the number of residential dwellings shall not exceed 2.

**Reason:** In the interests of residential amenity, and to define the permission, having regard to UDP Policy HS4 and the National Planning Policy Framework.

5. No development shall commence until a datum for measuring land levels and full details of existing and proposed ground levels, finished floor levels and the relationship with the highway taken from that datum, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented only in strict accordance with the details agreed and retained as such thereafter.

**Reason:** In the interests of residential and visual amenity, having regards to UDP Policy

HS4.

6. Notwithstanding the indicative details provided, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy EM9.

7. No development shall take place on the application site until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard any archaeological interest of the site and to accord with Policy CH25 of the Wirral Unitary Development Plan.

8. Before any construction commences, samples of the facing, roofing and window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

9. A scheme of acoustic glazing shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved scheme shall be implemented prior to occupation of the building and shall be retained thereafter.

**Reason:** In the interests of amenity for future occupants and to comply with Policy HS4 in the Wirral Unitary Development Plan.

10. The residential dwellings shall be constructed so as to provide sound attenuation against external noise, in accordance with a scheme of works previously submitted to and approved in writing by the Local Planning Authority. The scheme shall confirm a means of attenuation with windows shut and other means of ventilation provided.

**Reason:** In the interests of amenity of future occupiers and to comply with Policy HS4 in the Wirral Unitary Development Plan.

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

1. **Informative from Wirral Fire Safety Command (Wirral District)**

Access for fire appliances should comply with Sections 55 of the County of Merseyside Act 1980 and with the requirements of Approved Document B5 of the Building Regulations.

Water Supplies for fire fighting 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 supplies:



Housing:

Housing developments with units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant.

Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.

For further information the Fire Authority Inspecting Officer should be contacted on 0151 296 4932 (ref WFS/25/00510/IH/VE).

**Last Comments By: 09/10/2013 09:53:54**

**Expiry Date: 17/10/2013**

