

# Planning Committee

20 April 2016

**Reference:**  
**OUT/15/00709**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Pensby & Thingwall**

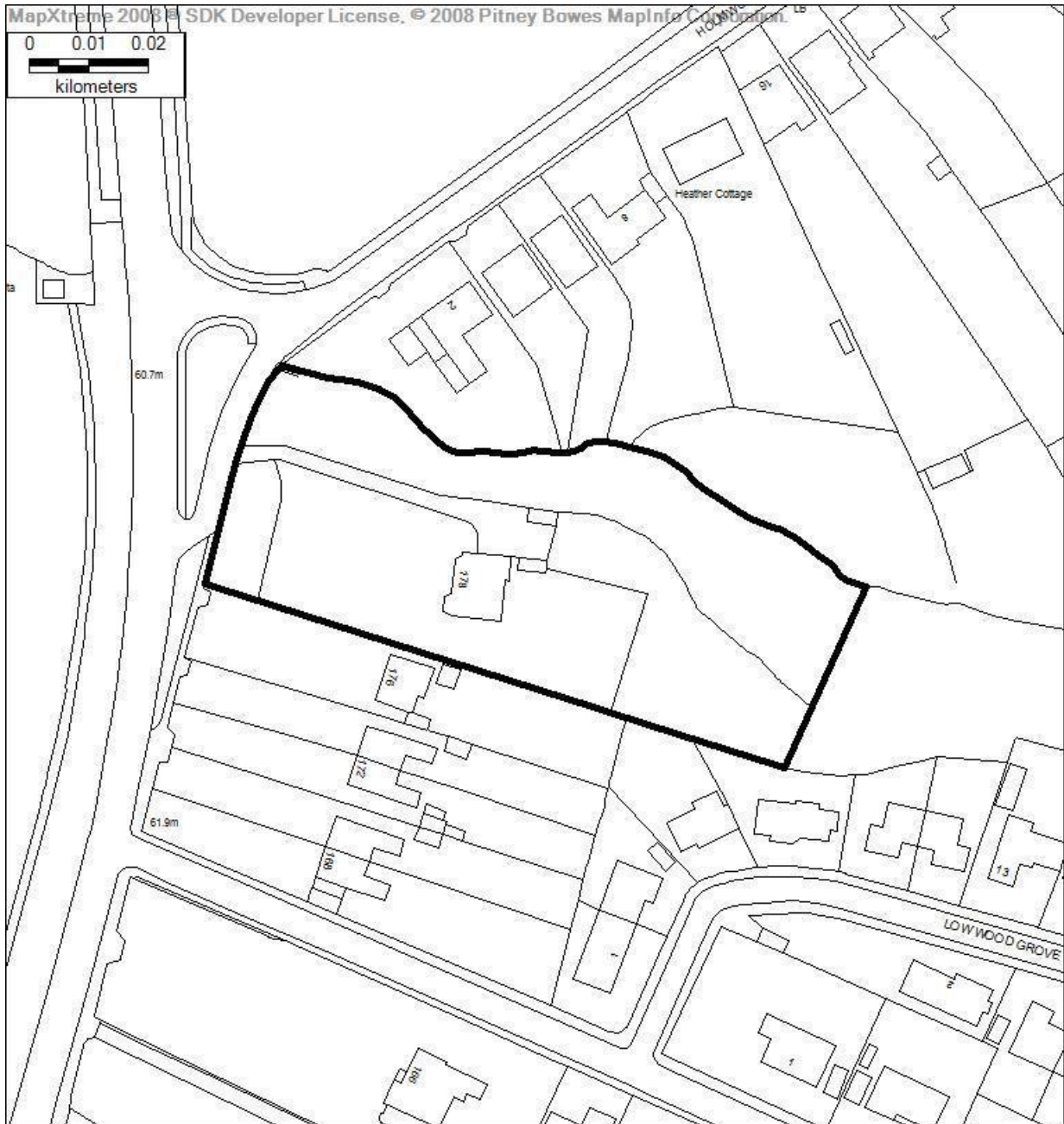
**Location:**  
**Proposal:**

Dale End, 178 BARNSTON ROAD, BARNSTON, CH61 1AR  
Amended application (Resubmission of OUT//14/00730) for two new detached dwellings and retention of the existing garage (Outline application with some matters reserved).

**Applicant:**  
**Agent :**

Mr & Mrs P Douglas  
Urban Roots

## Site Plan:



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**Development Plan allocation and policies:**

Infill Village in the Green Belt  
Green Belt

**Planning History:**

Location: Dale End, 178 Barnston Road, Barnston, Wirral, CH61 1AR  
Application Type: Full Planning Permission  
Proposal: Erection of a detached building to provide additional accommodation to the main dwelling  
Application No: APP/05/07902  
Decision Date: 06/03/2006  
Decision Type: Approve

Location: Dale End, 178 BARNSTON ROAD, BARNSTON, CH61 1AR  
Application Type: Outline Planning Permission  
Proposal: Erection of two new detached dwellings and the redevelopment and repositioning of the existing dwelling.  
Application No: OUT/14/00730  
Decision Date: 15/05/2015  
Decision Type: Withdrawn

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

Having regard to the Council's Guidance for Publicity on Planning Applications, 12 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, 9 objections including a qualifying petition of objection signed by 42 signatures have been received from the occupiers of the adjoining neighbours. The objections are summarised as follows:

1. Two four bedroom houses and the retention of out buildings are materially larger than the original building
2. more than one residential property is inappropriate development in the green belt
3. the density of the scheme will destroy the open appearance of the green belt
4. the development destroys the view of the village of Barnston
5. the traffic report does not adequately reflect traffic movement
6. tree preservation orders apply to the land
7. the additional accommodation should be demolished as the conditions no longer apply
8. there is a legal requirement for the protection of bats
9. the design will result in visual intrusion and loss of privacy to the occupants of the adjoining properties
10. the development, driveway and the breaking of the front boundary wall damage the appearance of the site
11. it is obvious that the intention is to further develop the garage thereby creating three dwellings
12. This area backs onto Barnston Dale an S.B.I.
13. The development will cause traffic issues including accidents as a result of a dangerous additional access, speeding traffic
14. Impact of new access on the existing tree line
15. The development will result in drainage issues as the land falls toward the dale, noise pollution and potentially overflowing of septic tanks.
16. Potential impact upon protected species/wildlife.
17. the site has been used for commercial purposes
18. The development is at odds with protective covenants
19. The proposed footpath is not continuous and may cause accidents.

Councillor Mike Sullivan has asked for the application to be taken out of delegation as it will be totally out of context with its surroundings and the building dimensions break the building line.

**CONSULTATIONS**

**Head of Environment & Regulation (Pollution Control Division) - No objection**

**Head of Environment & Regulation (Traffic and Transportation Division)** - No objection

**Natural England** - No comment to make

**Wirral Wildlife** - No objection subject to conditions

**Director's Comments:**

This application was been deferred at Planning Committee on 17th March 2016 to allow for a formal Member's Site Visit to take place.

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of objection with 42 signatures on it has been received. In addition, Councillor Sullivan has requested that the application be taken out of delegation on the grounds that it will be totally out of context with its surroundings and the building dimensions break the building line.

**INTRODUCTION**

The proposed development is an outline application with some matters reserved for the erection of two new detached dwellings and retention of the existing garage. The application is a resubmission of OUT//14/00730 that was previously withdrawn. The matters to be secured at outline stage relate to access and layout only. Appearance, landscaping and scale would be reserved for subsequent approval.

**PRINCIPLE OF DEVELOPMENT**

The site is identified under Proposal GB7 in the Unitary Development Plan (UDP) as an infill village within the Green Belt. UDP Policy GB6 permits development on infill sites subject to the proposal complying with UDP Policy HS4.

**SITE AND SURROUNDINGS**

178 Barnston Road is a bungalow style dwelling set in within a large plot of land. The site extends some 119m from the road and has a large front and rear garden.

The houses located to the north running along Holmwood Drive are located somewhat lower than the site as the land falls quite dramatically towards Prenton Brook.

Properties located to the south and south east are predominantly two storey properties set back from the road with large front gardens (Barnston Road). Properties are a mix of semi-detached dwellings and detached dwellings (176 Barnston Road). There is a bank of trees running along the front of the site that are protected by a tree preservation order.

**POLICY CONTEXT**

*Unitary Development Plan Policies:*

Policy GB6 - Development in Infill village within the Green Belt

Policy GB7 - Infill Villages in the Green Belt (1. Barnston Village (outside the Conservation Area)).

Policy HS4 - Criteria for New Housing Development

Policy GR5 - Landscaping and New Development

Policy GR7 - Trees and New Development

Policy NC7 - Species Protection

Policy TR9 - Requirements for Off Street Parking

*Supplementary Planning Guidance and Document:*

SPD4 - Parking Standards

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

### *National Planning Policy Framework*

Limited infilling within villages under policies the Local Plan can be considered appropriate under The National Planning Policy Framework paragraph 89.

### **APPEARANCE AND AMENITY ISSUES**

As stated above the site is allocated as an infill village within the Green Belt. Policy GB6 states that within that part of Barnston identified as an infill village, new infill development will be permitted subject to the proposal complying with Policy HS4. The principle of residential development is therefore deemed acceptable.

Policy HS4 sets out the parameters for acceptable residential development stating that the proposal should be of a scale which relates well to the surrounding property with particular regards to existing densities and form.

The previous application (OUT/14/00730) for three terrace dwellings was considered out of character with the density and form of development in the surrounding area. In addition the siting of the three properties was not considered acceptable as they would result in an unneighbourly form of development, harmful to the occupiers of 176 Barnston Road. As such the scheme was withdrawn. The proposed plans indicated three dwellings set forward of the neighbouring property and as a consequence it was considered that the bulk and massing would be detrimental to the amenities which the occupiers of the adjacent property could reasonable expect to enjoy.

It is considered that this proposal for two dwellings of a similar size and scale to those surrounding the site is better suited to the plot. They represent a similar footprint to that of the existing dwelling and as such the siting of the dwellings will not have any harmful impact upon the adjacent properties or to open appearance of the green belt.

At the time of writing, 9 objections including a qualifying petition of objection have been received from the occupiers of the adjoining neighbours. The objections relate to the impact of the development upon the green belt, views into Barnston Village, traffic problems, TPOs, protection of bats, loss of privacy, use of the site for commercial purposes, covenants, use of garage as a separate dwelling and the proposed footpath not being continuous.

The proposal includes the retention of the existing garage located at the rear of the property. This was granted consent on the 6th March 2006 on the basis that it shall only be used by the occupants of 178 Barnston Road. If members are minded to approve the scheme a similar condition will be imposed to tie the use of the garage to the occupants of dwelling No. 2 as shown on proposed site plan ADXIV34 PL02A.

UDP Policy GR7 seeks to provide protection for trees of greatest visual or wildlife value and other healthy trees. As the site has a tree preservation order protecting the trees running, principally along the western boundary, concern was raised over the impact of the new driveway entering the site off Barnston Road to serve the dwelling NO.1. A tree survey was submitted by the applicant that has been reviewed by the Council's Tree Preservation officer. No objections were raised subject to conditions being imposed to protect the trees adjacent to the new access and suitable protective fencing on site.

Due to the concern over the potential harm to protected species a habitat survey has been produced to assess the impact of the development. The first report recommended additional surveys being carried out prior to determination and as such a further study was carried out. This has been assessed by Wirral Wildlife who confirms that there is no evidence that bats pose constraint to the proposed development and therefore no objections have been raised.

The overall impact of the development upon the openness of the green belt is considered to be within acceptable limits. The footprint of the existing property is relatively large and as such the introduction of two dwellings with smaller footprints is deemed to be acceptable in terms of the impact upon character and openness of the green belt. Barnston Village (outside the Conservation Area) is allocated as an infill village within the green belt. Policy GB7 allows limited infill development as it is considered a larger village, with good public transport accessibility and some local shops. The justification for the policy states; "Limited new infill development in these villages will not compromise the purposes of Green Belt".

Traffic issues are dealt with below. Concerns raised over the previous use of the site for commercial purposes do not relate to this planning application and covenants on the land are not a planning matter. A refusal on these grounds can therefore not be sustained.

### **SEPARATION DISTANCES**

To maintain an acceptable outlook for the proposed new dwellings and to protect amenity of those surrounding the site the following separation distances need to be achieved: habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three-storey development adjacent to two-storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres. The indicative plan shows dwelling two storey in height with integral garages and windows on the front and rear elevations. House type 1 has a blank gable end facing 176 Barnston Road. Whilst there is a habitable window on the side of 176, it is secondary and the main outlook is to the rear. The introduction of 1 additional dwelling on the site will not result in any overlooking or loss of amenity as the indicative plans easily meet the required separation distances.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

Head of Environment & Regulation (Traffic and Transportation Division) has been consulted on the application and no objection has been raised with regards to the impact of the development upon highway and pedestrian safety caused by the additional vehicle access into the site and increased traffic. The Traffic and Transportation Division have however asked for the existing gate post and fence that block the existing path to be removed in order to allow safe pedestrian movement. Should members be minded to approve the proposed scheme a condition will be imposed to ensure this takes place. A full continuation of the footpath to Holmwood Drive cannot be achieved as the land does not fall within the applicant's ownership.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals. The ecology report submitted with the application has been assessed in full and the findings indicate that there is no evidence to suggest that bats pose constraint to the proposed development. In addition the tree report has been assessed and subject to conditions all protected trees can be retained within the site subject to conditions being imposed to protect the trees adjacent to the new access and suitable protective fencing on site.

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

The proposal is considered to be of a scale and design which would not result in a detrimental change in the character of the area or the openness of the green belt or result. The development will not result on any significant impacts on the amenities of neighbours surrounding the site and as such the proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. It is considered that the proposal complies with Policy HS4 and GB7 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

### **Summary of Decision:**

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

The proposal is considered to be of a scale and design which would not result in a detrimental change in the character of the area or the openness of the green belt or result. The development will not result on any significant impacts on the amenities of neighbours surrounding the site and as such the proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. It is considered that the proposal complies with Policy HS4 and GB7 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

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

**Recommended Conditions and Reasons:**

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

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

2. No development shall commence on site until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.

- (a) The **scale** of the development;
- (b) The external **appearance** of the development; and
- (c) The **landscaping** of the site;

The development shall be carried out in accordance with the approved details.

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

3. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan.

4. The area(s) so designated 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.

The detailed landscaping plans shall include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) a schedule of implementation

**Reason:** In the interests of visual amenity and to ensure that the development complies with Policy HS 4 of the Wirral Unitary Development Plan.

5. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.

**Reason:** To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land, to ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees and hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 and GR7 of the adopted Wirral Unitary Development Plan.

6. NO WORKS OR DEVELOPMENT SHALL TAKE PLACE UNTIL a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include [include those that are pertinent ]:
- A. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.
  - B. written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.

An arboricultural method statement (section 6 BS 5837) containing;

- C. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- D. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).
- E. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).
- F. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).
- G. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- H. the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).
- I. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction (section 7.4 BS 5837)
- J. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- K. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- L. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).
- M. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).
- N. the timing of the various phases of the works or development in the context of the tree protection measures.

**Reasons:** To protect trees having regards to Policy GR7 of the Wirral Unitary Development Plan

7. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related),

materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection. The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

**Reason:** To protect trees having regards to Policy GR7 of the Wirral Unitary Development Plan

8. The following activities must not be carried out under any circumstances:
- a. No fires to be lit within 20 metres of existing trees and shrubs to be retained.
  - b. Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
  - c. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
  - d. No builders debris or other materials to be stored within the Root Protection Areas.
  - e. No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be used and located not within 10 metres of any Root Protection
  - f. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
  - g. No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

**Reason:** To protect trees having regards to Policy GR7 of the Wirral Unitary Development Plan

9. The design of the vehicular access and parking areas, shall take account of all trees situated on or off site and must be in line with appropriate guide lines (BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations and Arboricultural Advisory and Information Service, Practice Note 'Driveways Close to Trees 1996'). The driveway / parking areas, which are within 4 m of existing trees, must be constructed utilising minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to withstand any influence of existing trees with regard to future potential indirect/direct tree related damage. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of the proposed driveway / parking, which are within 4m of existing trees, to include their dimensions (in relation to existing ground levels), specifications (materials) and when they are to be constructed in relation to other development works.

**Reason:** To protect trees having regards to Policy GR7 of the Wirral Unitary Development Plan



10. Notwithstanding the approved plans the existing gate post and fence/railing as indicated on ADXiV34 PL02A shall be deleted from the scheme to the satisfaction of the Local Planning Authority prior to first occupation of the development hereby approved. The approved scheme shall be implemented in full and retained as such thereafter.

**Reason:** In the interest of highway and pedestrian safety.

11. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 2nd July 2015 and listed as follows: ADXiV34 PL02A and ADXiV34 PL05A

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

12. No development shall commence until full details of a scheme for a sustainable drainage system<sup>1</sup> to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 102 and 103 of the National Planning Policy Framework, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

13. Before any construction commences, samples of the facing/roofing/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.

14. Full details of the arrangements for the storage and disposal of refuse within the curtilage of the site and vehicle access thereto, shall be submitted as part of the application for reserved matter for consideration by the Local Planning Authority.

**Reason:** to ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the waste local plan

15. The detached outbuilding approved under planning consent APP/2005/7902/D shall only be used by the occupants of unit 2 as indicated on the proposed site plan ADXiV34 PL05A for their own enjoyment. The outbuilding shall not be used as a separate unit of living accommodation.

**Reason:** In the interest of amenity and to preserve the character of the area having regards to policy GB6 and HS4 of the Wirral Unitary Development Plan

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

1. Details of a scheme for a sustainable drainage system should include:
  - a) Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding and pollution of the receiving

- groundwater and/or surface waters, including watercourses;
- b) Demonstrate that the surface water run-off would not exceed the pre-development greenfield runoff rate for the existing greenfield site;
  - c) Include details of a site investigation and test results to confirm infiltrations rates;
  - d) Include details of how any flood water, including depths, will be safely managed in exceedance routes;
  - e) Secure arrangements for adoption by an appropriate public body or statutory undertaker or, management and maintenance by a Residents' Management Company through an appropriate legal agreement;
  - f) Secure arrangements, through an appropriate legal agreement for funding on-going maintenance of all elements of the sustainable drainage system including:
    - i mechanical components;
    - i. on-going inspections relating to performance and asset condition assessments and;
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
  - g) Secure means of access for maintenance and easements, where applicable.
  - h) Include a timetable for implementing the scheme

**Last Comments By: 29/07/2015 14:18:55**  
**Expiry Date: 28/07/2015**