

Planning Committee

21 July 2020

Reference:
APP/20/00653

Area Team:
Development
Management Team

Case Officer:
Mr P Howson

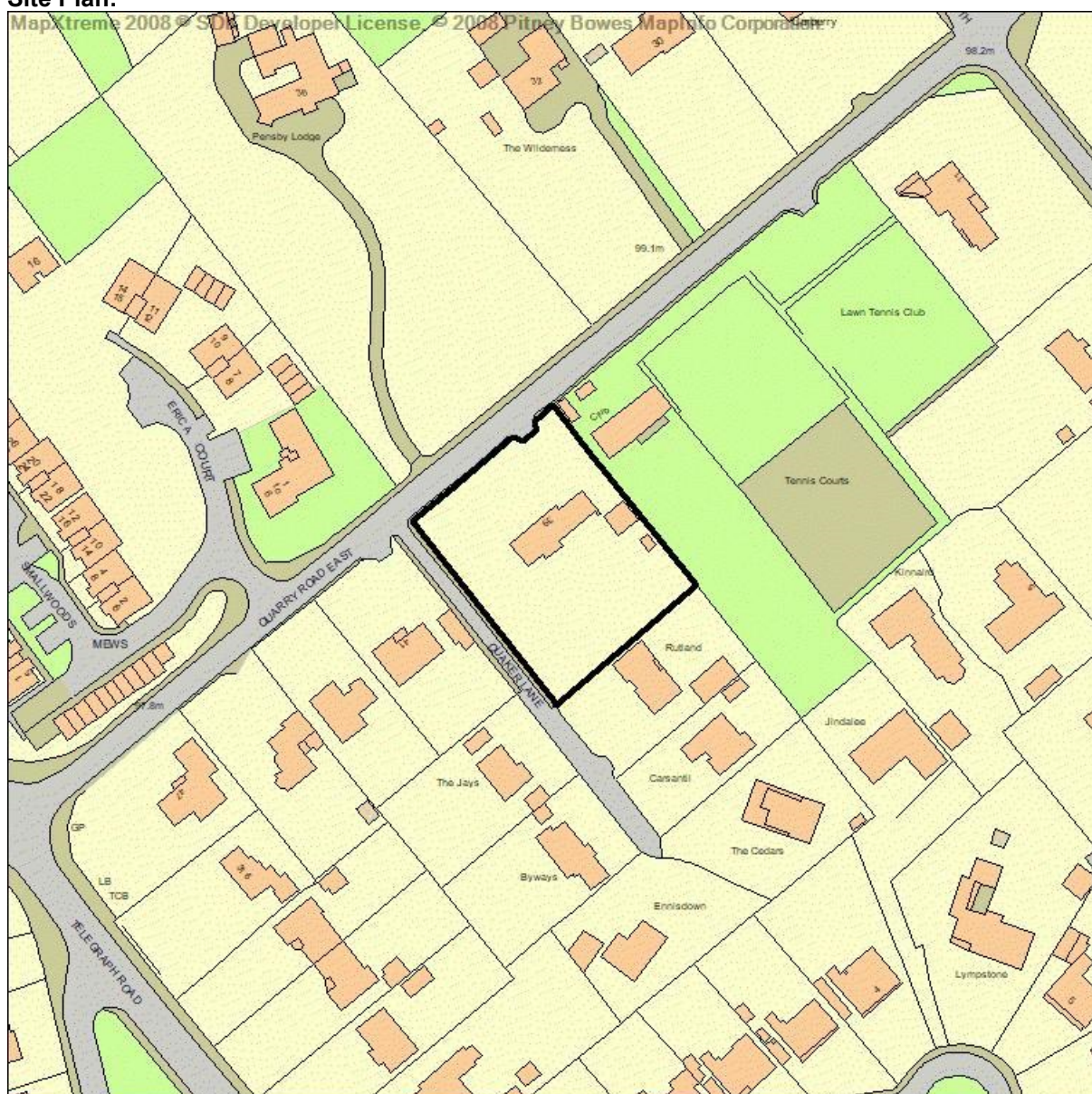
Ward:
Heswall

Location: Lawnswood, 39 QUARRY ROAD EAST, HESWALL, CH60 6RB
Proposal: Erection of 9no. apartments in a single block together with associated parking, landscaping, bin and cycle storage following demolition of existing dwelling

Applicant: C and N Molyneux
Agent: M F Architecture Ltd

Qualifying Petition: Yes, Number of Signatures: 82

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: Lawnswood, Quarry Road East, Heswall, L60 6RB
Application Type: Full Planning Permission
Proposal: Erection of dwelling
Application No: APP/80/16594
Decision Date: 13/11/1980
Decision Type: Refuse

Location: Lawnswood, Quarry Road East, Heswall, L60 6RB
Application Type: Full Planning Permission
Proposal: Erection of dwelling
Application No: APP/80/16595
Decision Date: 13/11/1980
Decision Type: Refuse

Location: Lawnswood, Quarry Road East, Heswall, L60 6RB
Application Type: Full Planning Permission
Proposal: Erection of detached bungalow
Application No: APP/81/17356
Decision Date: 12/03/1981
Decision Type: Refuse

Location: 'Lawnswood', Quarry Road East, Heswall, L60 6RB
Application Type: Full Planning Permission
Proposal: Change of use from residential to tennis club comprising laying out of 3 hard surface tennis courts after demolition of existing dwelling house
Application No: APP/82/19975
Decision Date: 06/04/1982
Decision Type: Withdrawn

Location: Lawnswood, Quarry Road East, Heswall L60 6RB
Application Type: Full Planning Permission
Proposal: Change of use from residential to lawn tennis club comprising laying out of 3 hard surface tennis courts and 6 car parking spaces after demolition of existing house 'Lawnswood'
Application No: APP/82/20376
Decision Date: 17/06/1982
Decision Type: Refuse

Location: Lawnswood, 39 Quarry Road East, Heswall, Wirral, CH60 6RB
Application Type: Full Planning Permission
Proposal: Erection of a dwelling house with garage.
Application No: APP/01/05625
Decision Date: 20/06/2001
Decision Type: Refuse

Location: Garden Rear of Lawnswood, 39 Quarry Road East, Heswall, Wirral, CH60 6RB
Application Type: Full Planning Permission
Proposal: Erection of a dwelling house.
Application No: APP/01/06611
Decision Date: 19/10/2001
Decision Type: Refuse

Location: Lawnswood, 39 QUARRY ROAD EAST, HESWALL, CH60 6RB
Application Type: Planning Pre-Application Enquiry
Proposal: Demolition of house and erection of new care home
Application No: PRE/15/00129/ENQ
Decision Date: 14/07/2015
Decision Type: Pre-Application Reply

Location: LAWNSWOOD, 39 QUARRY ROAD EAST, HESWALL, CH60 6RB
Application Type: Outline Planning Permission
Proposal: Outline Application for Two New Dwellings
Application No: OUT/17/00701
Decision Date: 25/07/2017
Decision Type: Withdrawn

Location: Lawnswood, 39 QUARRY ROAD EAST, HESWALL, CH60 6RB
Application Type: Outline Planning Permission
Proposal: Demolition of 'Lawnswood' 39 Quarry Road East, Heswall and the erection of Four New Dwellings - Outline Application (all matters reserved)
Application No: OUT/19/00984
Decision Date: 20/08/2019
Decision Type: Refuse

Summary of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 15 notifications were sent to neighbouring properties. At the time of writing 263 letters of representation comprising of 1 comment, 147 against and 115 in favour and a qualifying petition signed by 82 signatures have been received against the proposal. The objections can be summarised as follows;

1. Highway safety
2. Lack of parking
3. Loss of trees
4. Environmental impacts – out of date bat survey
5. Interface distances are contrary to policy
6. Out of character

CONSULTATIONS

Environmental Protection – no objection

Highways Engineer – no objection

Wirral Wildlife – no objection subject to mitigation measures

Merseyside Fire and Rescue Service - no objections

Welsh Water – no objection subject to conditions

Heswall Society – no objection subject to conditions

3.1 Site and Surroundings

3.1.1 Lawnswood is a mid-20th Century dwelling in the 'arts & crafts' style. The property sits back from Quarry Road East behind a deep landscaped front garden. Soft landscaping is a

distinctive characteristic of Quarry Road East which filters views of individual residences and gives the street an intimate sense of enclosure. There is no real prescribed architectural style, rather individual residences are variants on a traditional theme.

3.2 Proposed Development

3.2.1 The application proposes to demolish the existing residence and redevelop the site into nine apartments.

3.3 Development Plan

3.3.1 The Wirral Unitary Development Plan 2000

- HS4 Criteria for New Housing Development
- GR5 Landscaping and New Development
- GR7 Trees and New Development
- NC7 Species Protection
- TR9 Requirements for Off-Street Parking
- TR12 Requirements for Cycle Parking

Merseyside Joint Waste Local Plan Policies WM8 & WM9

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework (2019)

- Achieving sustainable development
- Achieving well-designed places

3.4.2 Supplementary Planning Document SPD2: Designing for Self-Contained Flat Development and Conversions

Supplementary Planning Document SPD4: Parking Standards

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of development;
- Design;
- Highways;
- Ecology; and
- Amenity

3.6 Principle of Development:

3.6.1 The development site and surrounding land is designated as part of a Primarily Residential Area in the Unitary Development Plan (UDP). UDP Policy HS4 permits for new residential development within Primarily Residential Areas subject to proposals fulfilling all of its criteria.

3.7 Design:

3.7.1 The design principles for new residential development including self-contained flats are set out within UDP Policy HS4 and SPD2.0. Proposals should be of a scale with regard to existing densities and form of development and not result in detrimental change in the character of the area and the neighbours' amenity. Provision should also be made for satisfactory off-street parking, adequate garden space and appropriate landscaping with particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5. UDP Policy GR5 requires full details of landscaping to be submitted before full permission is granted, which should provide for the protection, replacement or enhancement of existing features such as trees, shrubs and hedges.

3.7.2 Paragraph 127 of the revised National Planning Policy Framework states (amongst other

matters) that planning decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities); and
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

3.7.3 Paragraph 130 of the Framework states 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.

3.7.4 Lawnswood is a mid-20th Century residence and a variant on the 'arts & crafts' style. Considered in isolation, the property is not a particularly strong example of the style. However, the existing building's scale and architectural language is considered appropriate to its context. According to the submitted plans, the replacement building would sit over the footprint of the existing building and would be approximately 5 metres wider and 0.7 metres taller to the ridge. The proposed building would feature a catslide roof which would extend down to the ground floor and an arched entranceway with the windows broken up into multiple vertical panes. Whilst greater in scale, it would be more representative of the 'arts & crafts' style and would not appear at odds with its context.

3.7.5 SPD 2 indicates that where front gardens are a unifying feature of the street scene, hard surfacing for parking and servicing area should cover no more than one third of the frontage unless it can be demonstrated that a landscaping scheme would satisfactorily mitigate any impact upon the character and appearance of the street scene. The layout should also ensure that the amenity of neighbours and occupants is not unduly affected by noise, exhaust fumes, and overlooking. Whilst the proposed replacement building could be read as a single residence upon passing, a significant proportion of the front garden area would be turned over for vehicle parking. Whilst not ideal, there would be intervening soft landscaping which would filter views into the site and the overall perception from the public street would not be dissimilar to the existing arrangement.

3.8 Highways:

3.8.1 The requirements for off-street vehicle and cycle parking are set out under Policy TR9 and Policy TR12 of the UDP and accompanying Supplementary Planning Documents.

3.8.2 Paragraph 109 of the National Planning Policy Framework states 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. Paragraph 109 of the National Planning Policy Framework states that development should give priority first to pedestrian and cycle movement, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places whilst minimising the scope for conflict between different users and allowing for the efficient delivery of goods and emergency access.

3.8.3 The Highways Engineer has considered the submitted details and raised no objection. The Engineer advises that works to widen the vehicular access will require a road opening notice under Section 50 of the New Roads and Street Works Act 1991 and the approval of traffic management which should be sought separately from the planning regime.

3.9 Ecology:

3.9.1 Paragraph 163 of the National Planning Policy Framework (NPPF) indicates that when determining any planning applications, local planning authorities should ensure flood risk is

not increased elsewhere. In this particular case, Welsh Water have no objection subject to conditions. It is proposed that a planning condition should be applied to secure a scheme for the disposal of foul, surface and land water including an assessment of the potential to dispose of surface and land water by sustainable means.

- 3.9.2 UDP Policy NC7 states that development which would have an adverse impact on wildlife species protected by law will not be permitted unless the protection of said species can be secured.
- 3.9.3 The Local Planning Authority rely on Wirral Wildlife to provide advice and guidance on ecological matters. Wirral Wildlife have raised no objection to the proposal subject to mitigation.
- 3.10 Amenity:
- 3.10.1 Policy HS4 requires new residential developments to provide adequate access and servicing arrangements. Adequate private garden space should be provided for each dwelling.
- 3.10.2 Supplementary Planning Guidance on new flat development sets out the following standard;
- i. habitable room windows facing each other should be at least 21 metres apart;
 - ii. main habitable room windows should be 14 metres from any blank gable;
 - iii. If there are differences in land levels or where development adjoins that of a different ridge height a greater separation should be provided;
 - iv. For every metre difference in ridge height the distances should be increased by 2 metres.
- 3.10.3 The interface distances are intended to ensure that prospective occupiers of residential schemes have an adequate outlook and do not result in a significant loss of privacy, daylight or sunlight for neighbouring properties
- 3.10.4 Paragraph 127 of the revised National Planning Policy Framework states that planning decisions should create places that provide a high standard of amenity for existing and future users.
- 3.10.5 The proposal seeks to redevelop an existing residential plot into apartments. The development site is within close proximity to local amenities including food stores and a town centre. A bin store would be available for prospective occupiers at a convenient location for servicing. The development proposal retains an adequate landscaped area for prospective occupiers and in this respect the application is considered acceptable.
- 3.10.6 According to the submitted drawings, the existing building is approximately 6.6 metres in depth and sits approximately 26.7 metres away from the rear boundary. The proposed would be significantly greater in its footprint being approximately 18 metres in depth and falling approximately 15.9 metres from the rear boundary shared with the property known as Rutland, Quaker Lane. As the proposed building would be orientated towards the rear amenity space and end gable of Rutland the proposal would fall within the above-mentioned interface standards.
- 3.11 Other:
- 3.11.1 At the time of writing 263 letters of representation comprising of 1 comment, 147 against and 115 in favour and a qualifying petition signed by 82 signatures has been received against the proposal. The objections can be summarised as follows;
- a) Highway safety
 - b) Lack of parking
 - c) Loss of trees
 - d) Environmental impacts – out of date bat survey
 - e) Interface distances are contrary to policy

f) Out of character

- 3.11.2 The Highways Engineer has raised no objection on highway safety grounds. The level of vehicle and cycle parking is within adopted standards.
- 3.11.3 The development site sits outside of a Tree Preservation Area and there are no protection orders on any tree within the site. Therefore, any trees within the site could be lopped at any time.
- 3.11.4 The application is supported by a Bat Survey. No bats were seen to emerge from the building with most of the bat activity along the south-west boundary of the site where no development activity is proposed. The application has been assessed by the Council's ecological advisors and they raise no objection to the proposals subject to appropriate mitigation.

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 application proposes to demolish the existing residence and develop the site into nine apartments. The apartment building would read as a large, detached residence in the 'arts & crafts' style and is considered appropriate to the plot and its wider context in accordance with UDP Policy HS4 (criterion i & ii) and Paragraph 127 of the National Planning Policy Framework. In accordance with UDP Policy HS4 (criterion vii) an adequate area of communal amenity space would be provided to prospective occupiers. The nearest residential dwelling (Rutland, Quaker Lane) sits at an angle relative to the development site, thus the proposal would accord with the Authority's interface standards in accordance with UDP Policy HS4. The Local Planning Authority's Highways Engineer and Ecologist have raised no objection to the proposal, and it is considered to be in accordance with UDP Policies HS4, GR5, GR7 and NC7 and the Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14 March 2020 and listed as follows: OS location plan 817.01, existing and proposed block plans 817.02, proposed site plan 817.03, proposed ground floor plan 817.04, proposed first floor plan 817.05, proposed loft space plan 817.06, proposed front and side elevations 817.07, proposed rear and side elevations 817.08, proposed street scene elevations 817.09 and proposed front and side elevations with outline of existing 817.10

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

3. Notwithstanding the submitted plans, prior to any development above ground level approval of the following details shall be obtained from the local planning authority:

- i. Samples or details of all facing materials including all new windows and doors.

The stated details shall be approved in writing and such approved details shall be implemented in the development hereby approved in full.

Reason: These details are not included in the application and the Council wishes to ensure that they are satisfactory in the interests of visual, residential and environmental amenity

4. A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to features such as bat and bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of species protection and visual amenity and the character of the area and to ensure a satisfactory environment having regard to Policy GR5 of the Wirral UDP

5. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

Reason: To prevent damage to trees in the interests of visual amenity and to comply with UDP Policy GR7

6. No works or development shall commence until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification

If, within a period of 3 years from the date of planting, the 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 size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation

Reason: In the interests of visual amenity and to comply with UDP Policy GR7

7. No tree felling, scrub clearance, hedgerow removal, vegetation management 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 all buildings, trees, scrub, hedgerows and vegetation are 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: In accordance with Policy NC7 of the Wirral Unitary Development Plan

8. In order to protect habitats of special local importance for nature conservation:
1. Construction work shall only take place between 8am and 6pm.
 2. Any holes or trenches left open overnight must have a means of escape provided.
 3. All construction materials, especially those containing lime, must be stored so that badgers cannot access them, and to the front of the house, not the rear.

Reason: To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan

9. **No demolition works shall take place** until the location of a 2F receptor bat box (or equivalent, such as NHBS Kent Bat Box) has been agreed in writing with the Local Planning Authority.

The installed bat box is to be utilised as a receptor roost should any bats need to be handled and translocated and shall not be removed until the completion of works.

Reason: In the interests of species protection having regards to Wirral Unitary Development Plan Policy NC7

10. **Prior to demolition**, the roof will be 'soft striped' under an ecological watching brief within favourable weather conditions and outside of the hibernation seasons of October - March.

A licensed bat ecologist will oversee removal of the roof. In the event of any bats being present they shall be removed and placed in a secure box with soft tissue and immediately transferred into the receptor bat box referred to in **condition 9**

Reason: In the interests of species protection having regards to Wirral Unitary Development Plan Policy NC7

11. Prior to occupation, a "lighting design strategy for biodiversity" for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

And

(b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy

12. Before development commences, a Site Waste Management Plan, confirming how demolition and construction waste will be recovered in relation to this phase 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 policy WM8 of the Waste Local Plan

13. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

14. Prior to demolition or any site clearance, the silver birch referred to within the submitted Bat Survey (and referred to as T34 within the submitted particulars) shall be subject of a full endoscopic assessment to confirm the presence of roosting bats. If the bat surveys demonstrate that bats have colonised, the surveys shall include appropriate mitigation and/or proposals. The development shall thereafter be carried out in complete accordance with the approved survey(s)

Reason: In the interests of species protection having regards to Wirral Unitary Development Plan Policy NC7

15. Prior to the occupation of the development hereby approved, full details of the proposed bin and cycle stores shall be submitted to and agreed in writing with the Local Planning Authority. The approved stores shall be made available for use before any of the apartments are occupied and retained as such thereafter.

Reason: To ensure the provision of adequate refuse and cycle storage in accordance with UDP Policy TR12 and Policy WM9 of the Joint Waste Local Plan.

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete vehicle crossing specifications. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation, as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details.
2. The Fire Authority advises the following;
 - 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.

* The premises should comply with Section 55 of the County of Merseyside Act 1980

Last Comments By: 21/06/2020
Expiry Date: 16/07/2020