

**Planning Committee**

**15 October 2020**

**Reference:**  
**APP/20/00552**

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

**Case Officer:**  
**Mr B Bechka**

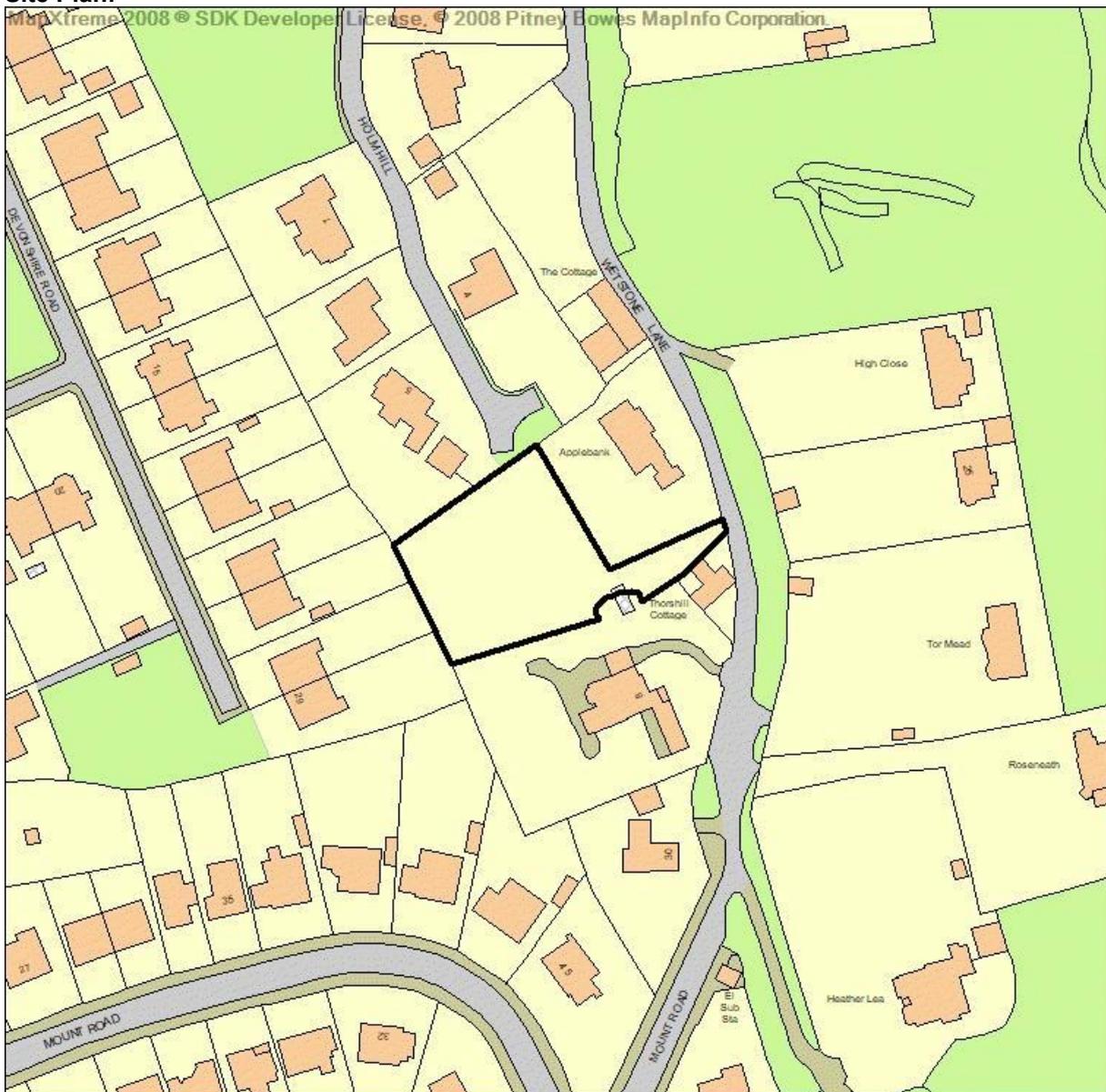
**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** Thors Hill, 8 WETSTONE LANE, WEST KIRBY, CH48 7HQ  
**Proposal:** Erection of a 5-bed dwelling with associated hard and soft landscaped external works. (amended plans and red edge)

**Applicant:** Mr Watkin  
**Agent:** Condy Lofthouse Architects

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Thors Hill, 8 WETSTONE LANE, WEST KIRBY, CH48 7HQ

Application Type: Full Planning Permission

Proposal: Proposed internal and external works to existing detached residential dwelling, including removal of roof finishes to upgrade thermal performance, replacement of all single glazed windows with timber framed double glazed units, and introduction of additional double glazed windows. Additionally, the demolition and replacement of two non-original extensions with new single storey extensions in reclaimed materials with additional glazing, and the addition of a new detached double car garage with gym area.

Application No: APP/19/01717

Decision Date: 08/01/2020

Decision Type: Approve

Location: Thors Hill, 8 WETSTONE LANE, WEST KIRBY, CH48 7HQ

Application Type: Full Planning Permission

Proposal: Proposed external works and extensions to existing detached residential dwelling, including: - (1) Demolition of non-original 2 storey pitched roof, south wing, extension and replacement with new, shorter, wider, single storey pitched roof extension. (2) Demolition of non-original west side modern ground floor flat roofed extension, and replacement with smaller new bay window-to mirror existing. (3) Relocation of front door within north elevation. (4) New rooflights to south and west roofs. (5) Windows - opening up infilled windows, existing window enlarged, replacing all with a timber framed double glazed sash design. (6) Upgrade and re-slating of existing roofs - to enable upgrade of existing insulation.

Application No: APP/18/01614

Decision Date: 22/03/2019

Decision Type: Approve

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

**1.1** Councillor Green requested that the application is reported to Planning Committee on the grounds that if approved it would lead to a loss of privacy, overlooking and would appear unneighbourly.

**2.0 SUMMARY OF REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Applications, a total of 20 consultation letters were sent out to neighbouring properties A Site Notice was also displayed.

**REPRESENTATIONS**

12 no. representations were received from neighbouring properties. A summary of these representations is listed as follows:

1. loss of trees and habitat are not justified and do not provide a public benefit, adversely impacting local wildlife and protected species. e.g. bats
2. loss of ancient veteran trees would have harmful impact upon visual amenity
3. creation of driveway and compaction of ground would do damage roots of trees and have adverse impact on biodiversity as a result
4. concern as to negative impact development would have upon protected species, local wildlife and their habitats, especially given proximity of nearby Site of Biological Importance

5. No ecological survey submitted
6. breaking up of site and density of development not in keeping with surrounding character
7. footprint, scale, form and massing of development is inappropriate and not in keeping with surrounding development
8. result in small garden area not proportionate to dwelling or surrounding development, appearing cramped and incongruous
9. form overdevelopment of site
10. chimney to new dwelling appears too visually intrusive
11. contemporary design and use of materials not in keeping with character of area with properties dating back to C16th
12. loss of historic sandstone wall to lane would be harmful to character of area
13. noise and disturbance from construction
14. scale and massing of new dwelling would appear overly dominant, overbearing and visually intrusive, given proximity to neighbouring properties
15. result in overlooking and loss of privacy to Applebank
16. loss of trees to western boundary will remove existing screening allowing for views of new dwelling as well as resulting in overlooking
17. result in overshadowing to properties to Devonshire Road
18. proximity of new driveway to habitable windows would have harmful impact on amenity of Thors Cottage with regard to loss of privacy, noise and disturbance
19. given narrow size of vehicular entrance with 2m high flanking walls would make access to site off lane would be difficult but restrict views to and from access and thus would be harmful to highway safety
20. insufficient turning circle for vehicles
21. positioning of driveway will obstruct driveway to property to opposite side of lane
22. dispute the claim that lane is an unadopted road
23. increased traffic resulting from development will negatively change character of area
24. excavation of bedrock would compromise stability and therefore safety of retaining walls to properties to Devonshire Road
25. Development would severely impact on drainage with existing site currently forming natural sink for rainwater

#### CONSULTATIONS

**Highways:** No objection subject to condition

**MEAS:** No objection subject to conditions

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

**Wirral & Cheshire Badger Group:** No objection subject to conditions

**Fire & Rescue Service:** No objection

**United Utilities:** No objection subject to conditions

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

- 3.1.1 The application has been called in by Councillor Green to go before Wirral's Planning Committee on the grounds that if approved it would lead to a loss of privacy, overlooking and would appear unneighbourly.

### **3.2 Site and Surroundings**

- 3.2.1 The application site relates to a large plot sited to the western side of Wetstone Lane, an unadopted road which to its north leads off Village Road, whilst to its south leads off Mount Road. The application site forms part of the existing garden area to Thors Hill, with the existing large, detached property being located to the southern extent of the wider site. The application site is located within a primarily residential area within West Kirby. The neighbouring properties vary in scale, age and appearance. Thors Hill, Thors Cottage, the Cottage and the properties to Devonshire Road appear to have been constructed around the same time towards the end of the C19th. A number of the surrounding plots have

previously been subdivided. Bounding the application site to its east is Applebank which appears to have been erected in the mid C20th. To the north of the application site it is bound by residential properties to Holm Hill, which were built towards the latter end of the C20th. To the west of the application site, it is bound by the properties to Devonshire Road. There is a significant drop in ground levels between their dwellings and rear garden areas from that of the application site. To the eastern side of Wetstone Lane, the properties appear to have been constructed in the inter-war period and sit within spacious plots set considerably back from the road. Thors Cottage bounds the application site to its south-eastern extent. The boundary to Thors Hill, fronting on to Wetstone Lane, comprises an approximately 1.8m-2m high sandstone wall. Access to the site is currently via a single vehicular entrance off Wetstone Lane.

### **3.3 Proposed Development**

3.3.1 Planning permission is sought for the erection of a part storey and a half part single-storey 5 bed detached dwelling. The new dwelling would have a contemporary appearance. With a T-shaped footprint, the main storey and a half element would have an asymmetrical apex/box roof design, whilst to the single-storey element, a shallow mono-pitch roof design. In addition, it would have a basement level, which would open out on to a sunken terrace. Its use of materials comprising of brickwork, timber cladding and stone coping, timber cladding and metal standing seam roofs and aluminium openings. A new vehicular entrance and driveway is proposed, independent of the existing property to Thors Hill, leading down from Wetstone Lane to the new dwelling. Timber gates to the vehicular entrance are to be set considerably back from the road along the driveway, nearing the approach to the new dwelling. To the remainder of the application site soft and hard landscaping works are proposed.

#### 3.3.2 Added Value

At the request of the case officer the applicant has introduced an acoustic fence to the side of Thors Cottage; through widening of access and removal of shrubs has moved driveway further away from Thors Cottage, whilst also introducing a 2m high stone wall to match that of existing boundary wall; repositioned dwelling away from Applebank, whilst allowing for a reduction in its ground floor slab level which has reduced height of new dwelling within site; retained more trees, whilst repositioning replacement trees to provide better screening; and has obscure glazed habitable bedroom window, whilst introducing a new habitable window to side to overcome any overlooking.

### **3.4 Development Plan**

3.4.1 Policy HS4 - Criteria for New Housing Development  
Policy HS10 - Backland Development  
Policy TR9 - Requirements for Off Street Parking  
Policy GR5 - Landscaping and New Development  
Policy GR7 - Trees and New Development  
Policy NC5 - The Protection of Sites of Local Importance for Nature Conservation  
Policy NC6 - Sites of Biological Importance

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

#### 3.5.1 Supplementary Planning Documents (SPD):

SPD 4 (Parking Standards)  
SPG 10 (Backland Development)

#### 3.5.2 Joint Waste Local Plan:

Policy WM9 - Sustainable Waste Management Design and Layout for New Development

3.5.3 DCLG published the National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate within this report.

### **3.6 Assessment**

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

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

3.7 Principle of Development:

3.7.1 With the application site being located within a Primarily Residential Area, the development will therefore be assessed against Policy HS4 of Wirral's Unitary Development Plan, which states that new housing development within 'Primarily Residential Areas' will be permitted subject to the proposal fulfilling all the criteria listed for that policy.

3.7.2 Furthermore, as the proposal would result in the erection a new dwelling within an existing residential garden, it should comply with the objectives of Policy HS10 'Backland Development', fulfilling all of its criteria.

3.7.3 In addition, this application will be assessed against Policy GR5 (Landscaping and New Development) and GR7 (Trees and New Development) of Wirral's UDP.

3.7.4 Sitting outside Wirral's UDP, the Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are considered 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.

3.7.5 Whilst the principle of the proposed development is considered acceptable, this is subject to compliance with the above policies with particular regard to the proposed development's impact on visual and residential amenity and to the local highway network.

3.8 Design:

3.8.1 NPPF paragraph 127 states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.8.2 NPPF paragraph 130 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.

3.8.3 NPPF paragraph 131 states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

3.8.4 Policy HS4 of Wirral's UDP states that the proposal, in general terms, must relate well to adjacent properties and should not result in a detrimental change in the area or to the amenity of neighbouring properties.

3.8.5 Representations have been made objecting to the scale, form and density of the proposed new dwelling and that it would not relate well to the surrounding development and would therefore result in a detrimental change to the character of the area. It would therefore fail to meet criteria (i) and (ii) of Policy HS4 of Wirral's UDP.

3.8.6 The existing property to the Thors Hill property benefits from a very generously sized plot and by comparison to surrounding properties is considerably larger, surviving largely intact from the time it was created towards the end of C19th. From viewing historic OS plans, neighbouring plots appear to have been subdivided over the years and with the exception

of the properties to Devonshire Road, Thors Cottage and the Cottage, were largely constructed between the inter war period right through to the late C20th. The application site does not sit within an area restricted by density guideline policy and whilst its subdivision to an extent is considered regrettable, the resulting size of the plots i.e. that remaining to Thors Hill and that of the new dwelling, would not be out of keeping with the character of the area.

- 3.8.7 The part storey and a half part single-storey scale of the new dwelling is considered in keeping with the scale of surrounding development which comprises of storey and a half and two-storey dwellings. It is also noted that the ground floor slab level of the new dwelling has been reduced, lowering the height of the new dwelling.
- 3.8.8 The footprint sizes of properties within the surrounding development varies greatly. However, properties located to the north and west of the application site tend to have smaller footprints to that proposed, whilst those located to its east and south tend to have similar sized footprints to that being proposed.
- 3.8.9 As such, it is considered that the proposed development would not appear out of keeping with character of the surrounding development in terms of its footprint and furthermore can easily be accommodated within a plot of this size, retaining ample space around the property.
- 3.8.10 It is unlikely therefore that the proposal would result in the site appearing overdeveloped or cramped or a significant departure from the scale and form of surrounding development. Conditions are nevertheless recommended as part of any planning permission, requiring the permitted development rights be restricted.
- 3.8.11 Being sited considerably back from Wetstone lane, limited views would be restricted to its single-storey element and even then, largely screened by the entrance gates, given the fall in land away from the lane.
- 3.8.12 The design of the new dwelling is a mix of traditional and contemporary design.
- 3.8.13 In many respects the main storey and a half element of the development has the form of a dormer bungalow, with its asymmetrical apex roof and dormer to front. However, where it departs from this is the brick storey and a half element to the rear and that the roof and walls are constructed from one continuous envelope of timber cladding, wrapping around the building from front to rear. The long dormer to the front is a box shaped wall dormer, protruding slightly beyond the ground floor level to the front elevation. Its east facing elevation is recessed, forming covered balconies at ground at first floor level. The basement level is also exposed, which leads out on to a sunken terrace. There is a large expanse of glazing to all levels within this east facing side elevation. The single-storey element of the proposed development, rectangular in form, which forms a continuation of the main habitable accommodation and also a 2 no. car garage, is orientated 90 degrees to the main storey and half element and connected via a glazed link at ground floor level. Being offset from the western end of the main storey and a half element, the footprint of the development would appear T-shaped rather than L-shaped. Whilst to its western elevation facing onto Applebank the single-storey element appears as largely blank brick elevation, its east facing elevation fronting on to the rear garden area of the new development would to one half comprise a large expanse of floor to ceiling glazing. Its shallow mono-pitched roof design would be constructed using metal standing seam. To its top would be narrow but deep brick chimney.
- 3.8.14 There is no prevailing character, design or form to the surrounding development, with many varying greatly in age and design. Being set back considerably largely screened from the road, it is considered that the contemporary and traditional design of the new dwelling, including its use of materials, is appropriate within this location and would not have a detrimental impact on the character of the area.
- 3.8.15 It is, however, recommended as part of any planning approval, that a condition be attached

requiring details of materials be submitted to ensure a high-quality build is accomplished.

3.8.16 A number of objections received relate to the loss of a section of the sandstone boundary wall, many citing the wall's historical importance. Its removal would allow for a new independent vehicular access to the site off Wetstone Lane. It is, however, considered by the case officer that the approach taken by the applicant is a sensitive one. The applicant would be building a new section of sandstone wall, which to the side with Thors cottage, would curve around to form part of the opening to the driveway, whilst to the opposite side would continue the entire length of its boundary with Applebank. Any planning permission will, however, require a condition to ensure its implementation and that of the quality of the stone. It should also be noted that other properties along Wetstone Lane have previously introduced new openings to this sandstone wall as part of developments which have taken place. The loss of this section of Sandstone wall would not have a detrimental impact on the character of the area.

3.7.17 It is considered that the proposed development seeks to reflect the character of the surrounding area in terms of its design, materials, massing, scale and street scene, and as such is in accordance with Policies HS4 and HS10 of Wirral's UDP.

3.8.18 Quality of Accommodation

The proposed accommodation would benefit from sufficient outlook from and light into the property, whilst there would be an acceptable amount of outside amenity space to its rear. Furthermore, the original property to Thors Hill would retain a generously sized plot and outside amenity space, whilst light into and outlook from this property would not significantly harm.

3.9 Highways:

3.9.1 Located to a unadopted road, the development would open out onto Wetstone Lane. A number of objections have been received relating to the impact the proposed development would have on the highway network in terms of highway safety. That the proposed vehicular entrance is too narrow and flanked either side by 2m high sandstone walls impeding visibility to and from lane. That there is not the required turning circle to enter and exit site. Furthermore, that to this point of the lane, it is particularly narrow.

3.9.2 As part of revisions made to the scheme as part of discussions with the applicant, the vehicular access has been widened from approximately 2.5m to 3.3m, which is deemed an acceptable width for an access of this type and location. The gate to the driveway is positioned some considerable distance away from the access and as such is not anticipated to result in any vehicles having to idle in the front of the access when entering. Sufficient hardstanding is provided within the site, to the front of the new dwelling, thus enabling vehicles to easily turn around within the site.

3.9.3 Whilst the lane forms an adopted Bridleway (FP50), it is not an adopted road. The proposed development whilst leading out on to the Bridleway would not oversail or encroach into the lane, with development placed solely within the existing curtilage and to the existing boundary wall. This is no different to any other property with accesses exiting onto the lane.

3.9.4 A Highways officer has carried out a site visit, taking into account the concerns expressed in representations made by neighbours. Whilst it is accepted that a recommended visibility splay cannot be achieved due to the height of the boundary wall and the slight bend and alignment of Wetstone Lane, it is considered that existing visibility could be significantly improved to the south of the property by removing the foliage outside and adjacent to the boundary wall where the vehicle access is to be installed; this would then provide much improved sight of a vehicle leaving this access to approaching vehicles from this direction. Furthermore, it is noted that Wetstone Lane has street lighting and there's a nearby street lighting column which will also help with visibility along the lane to the proposed vehicle access during the evening / night-time. This is subject to a condition being attached as part of any planning permission for the removal and maintenance of the above-mentioned foliage and on that basis, Highways are therefore satisfied and raise no objection to the

scheme.

3.9.5 Sufficient off-road parking provision is provided within the curtilage of the application site.

3.10 Ecology, Trees and Landscaping:

3.10.1 Ecology:

A number of representations have been received from neighbouring properties with regard to the application site being sited immediately adjacent to a Site of Biological Importance, Holm Hill to its north and Caldly Hill situated 45m to its east. Concern is predominantly about the negative and harmful impact the proposed development would have on the local protected species populations, given its proximity to the Site(s) of Biological Importance. Concern also extends to other wildlife, including foraging and roosting bats and breeding birds. There was concern as to the impact the loss of trees within the site would have on roosting bats and nesting birds.

3.10.2 The applicant submitted as part of this application an Ecological Survey and Assessment report, in which the development's impact on flora and fauna were considered. In summary, it was concluded that the proposed development was unlikely to have any direct or indirect disturbance to the designated nearby Site of Biological Importance, subject to the recommendations set out within Section 5 of the report being adhered to. That the site was suitable for foraging and nesting birds. With regard to bats it concluded that the site is of low suitability for commuting and foraging bats. For other species identified, such as hedgehogs, it was concluded that the development would not impact on their shelter or foraging. A number of recommendations are set out within its findings which seek to mitigate any harmful impact as a result of the development.

3.10.3 MEAS were consulted as part of the application and whilst they acknowledge the minor limitations of the submitted Ecology Survey and Assessment report, they found it to be sound for the purposes of assessing this application. Whilst raising no objection to the proposed development, this is subject to a number of conditions being attached as part of any planning permission to protect breeding birds, roosting and foraging bats, as well as for protected and priority species and their habitats.

3.10.4 Whilst MEAS is satisfied the applicant has provided sufficient information on the proposed site plan to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8), they require a condition be attached as part of any planning permission for the provision of waste audits or a similar mechanism such as a demolition method statement to monitor waste minimisation, recycling, management and disposal.

3.10.5 Trees:

A number of representations have been made by neighbours with regard to the loss of trees within the application as a result of the proposed development. Their concern centred around the loss of mature and veteran trees would have on the amenity of the area, as well as their impact on wildlife habitats.

3.10.6 Following discussions with the applicant, the number of trees to be retained, specifically to the western boundary, has been increased, whilst a number of replacement trees are also proposed. Whilst some of the trees to be felled fall within a B1 category, none are considered to be veteran. The trees to be felled are deemed necessary by the applicant to allow for the siting of the new dwelling, including excavation works to its basement level, as well as for landscaping within the site to the garden area and the formation of the new driveway.

3.10.7 The Tree Officer, having been consulted as part of the application, generally found no issue with the information with the submitted Arboricultural Impact Assessment and Arboricultural Method Statement reports. The Tree Officer had originally had concern as to the loss of

the trees and hedging along the western boundary of the site to Devonshire Road and the impact this would have on the amenity of the occupants of those properties, in terms of screening and views. Following discussions, the applicant has agreed to increase the number of trees to be retained along this western boundary, whilst also providing 4 no. Scots Pine replacement trees, approximately 4.5m -5m in height, to this boundary thus mitigating impact on screening and views. The Scot Trees identified are compliant with the recommendations made within the submitted Ecology Survey and Assessment and Arboricultural Implications Assessment (AIA) reports, as is the case of the majority of other replacement trees set out within the AIA report. There is concern though that a Scott Pine cannot be sourced at the height/girth the applicant is proposing, however, this is discussed further detail within the amenity section of this report. A condition is recommended as part of any planning permission requiring full details of the proposed tree planting be provided.

3.10.8 The Tree Officer also voiced concern as to the proximity of new boundary wall to the driveway being constructed within 2m of stems of retained trees and therefore within their root protection areas. The applicant has replaced the section of wall to the area of the root protection areas of trees T1-T5 with fencing which will use a non- dig construction method, thus protecting the roots of the trees.

3.10.9 Subject to a number of conditions being attached as part of any planning permission, which includes a number of Tree Protection Measures, there are no objections raised with regard to the proposed development.

3.10.10 Landscaping:

Given the nature of the proposed development and its setting within close proximity to a Site of Biological Importance, a condition should be attached as part of any planning permission requiring that a Landscaping Plan be submitted, which accords with the recommendations made within the submitted Ecology Survey and Assessment, it should also include details such as hard surfacing, earthworks, design of boundary treatments etc.

3.11 Drainage:

3.11.1 Following United Utilities having been consulted as part of the application, it has been identified that the application site overlies the sandstone rock, in a Groundwater Source Protection Zone (SPZ) 2. This forms an aquifer, abstracted at depth by United Utilities for public drinking water supply at nearby Grange borehole. Notwithstanding the details showing on the Proposed Site Layout plan, little detail has been provided by the applicant with regard to incorporating a surface water drainage scheme with connection to the surface water drainage network. As such, a number of conditions are required as part of any planning permission in order to prevent the risk of pollution of groundwater within the underlying aquifer, used for drinking water supply.

3.11.2 It should also be noted that representations made by neighbouring properties have voiced concern as to surface water run off resulting from the development, given that the application site currently forms a natural sink for heavy rain.

3.12 Amenity:

3.12.1 Despite being built within what currently forms the garden area of Thors Hill, the proposed development would sit within a spacious plot. As a whole it is considered by the case officer that the proposed development would not adversely impact on the amenity of the neighbouring properties.

3.12.2 There had been earlier concern by the case officer with regard to the scale of the new dwelling, in particular the east facing gable end of the storey and half element, and its proximity to the eastern boundary appearing overbearing and visually intrusive to neighbouring Applebank. This concern was also voiced by the occupants of Applebank. However, it should be noted that Applebank's property sitting on a raised slab, is positioned on higher ground level to that of the new dwelling and maintains what are considered to be acceptable separation distances to Applebank's dwelling. As such, the case officer's concern was more to do with the proposed development's impact on the amenity of Applebank's rear garden area. Following discussions with the applicant, the scheme has

been revised, repositioning the new dwelling further within the site, moving this gable end away from the boundary to Applebank, whilst an 0.15m reduction in the depth of new dwelling's ground floor slab would see the new dwelling sit lower in the site. It is considered that sufficient separation distances would be achieved between all facing habitable openings within the new dwelling to those within Applebank's property, as well as to their rear garden area. Whilst there would be some impact as a result of the proposed development, views and outlook from Applebank would not be significantly impacted upon so as to warrant a refusal.

- 3.12.3 As a backland development, there had also been concern as the introduction of a new independent driveway and its impact on the amenity of Thors Cottage, which is located to the side of this driveway and fronts Wetstone Lane. Of particular concern was the driveway's proximity to the side habitable window of Thors Cottage which would front directly onto the driveway. The proposed driveway, despite having been widened through revisions to the plans, would not achieve the required 6m minimum distance from the side habitable room window to Thors Cottage to the boundary of access strip. Coupled with the intensification in use of the area resulting from the comings and goings of vehicles could result in an unacceptable loss of amenity to the occupants of Thors Cottage, in terms of noise and disturbance, thus contrary to Policy HS10 of Wirral's UDP and Supplementary Planning Guidance noteSPG10 as presented. Following discussions with the applicant, it was acknowledged that this side habitable window was secondary and it was concluded that the harm to the amenity of the occupants of Thors Cottage could be mitigated by the introduction of an acoustic fence sitting forward of this window. Whilst the outlook would be impacted upon to a degree, it is not the primary window serving this room and furthermore, the applicant could erect a 2m high fence in this location without the need for planning permission. Revised plans show this new acoustic fence; however, any planning permission should include a condition requiring full details of the fence.
- 3.12.4 Whilst retaining sufficient separation distances to its western boundary to the properties to Devonshire Road, there had been concern by both the case officer and neighbours with regards to the proposed development and the loss of existing trees which currently provide screening on to these properties and their rear garden areas. The application site sitting on significantly higher ground level to that of the properties to Devonshire Road and their rear garden areas. However, the applicant (as discussed above) has agreed to retain more trees to this boundary, in particular T19 and T23, 18m and 17.5m high Maple trees, respectively, whilst introducing a number of replacement trees. It is considered that this approach will ensure adequate screening onto the properties to Devonshire Road. There is, however, a concern that the Scott Pine trees proposed along this western boundary cannot be sourced at the height/girth the applicant is proposing. As such, a condition is recommended that sets a minimum height for the replacement trees to this western boundary to ensure adequate screening to Devonshire Road. The selection of the tree species will be left to the discretion of the applicant but should take into consideration the tree species identified with the recommendations of the submitted Ecology Survey and Assessment report.
- 3.12.5 To the north lie the properties to Holm Hill, the retained trees, along with the 4-no. proposed Field Maple trees along the boundary to No. 5 will largely screen views of the new dwelling. Furthermore, the new dwelling would not project beyond the rear of No. 5's property. Separation distances are achieved between the proposed new dwelling and habitable openings within No.5, however, given the relatively close proximity of the new dwelling to the shared boundary with No. 5, the rear facing first floor habitable bedroom window to the new dwelling is to be obscure glazed, thus preventing any potential overlooking to the side amenity space of No. 5. As part of any planning permission, a condition should be attached requiring that this window be obscure glazed. A second habitable window located to the side elevation, which is not obscurely glazed, has been introduced to allow sufficient outlook to this bedroom. Given its siting, it would not as a consequence result in any overlooking or loss of privacy to neighbouring Applebank.
- 3.12.6 Sufficient separation distances would be achieved between the new dwelling and the original dwelling to Thors Hill, so as not to appear overbearing or visually intrusive, whilst

not resulting in any overlooking or loss of privacy to its occupants. A 2m high wall with trees lining its front is proposed to form the shared boundary to Thors Hill, providing an acceptable level of screening. The single-storey element of the proposal sits much closer to the boundary with Thors Hill, however, given its single-storey scale, that it would not have any habitable openings facing onto Thors Hill and that the area it fronts onto forms the driveway and parking area to Thors Hill, it is considered unlikely to result in a harmful impact to the amenity of the occupants to Thors Hill.

3.12.7 The proposed development would not unduly or significantly impact on the residential amenity of neighbouring properties above what they could reasonably expect to enjoy and is therefore considered to comply with Policy HS4 of Wirral's UDP

3.13 Other matters:

3.11.1 A number representations have been made with regard to the excavation of the sandstone bedrock and the potential of these engineering works to destabilise the existing retaining walls between the application site and the properties to Devonshire Road. These engineering works, however, are not considered to be a material planning consideration or within the scope of this planning application. Rather, they are a matter for a structural engineer to consider as part of the construction phase or for neighbours concerned to take up as a civil matter.

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

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

The proposed development will not harm the appearance of or result in a detrimental change to the character of the area, or the amenities of neighbouring properties. The proposal is therefore considered to comply with Policies HS4, HS10, GR5, GR7 and TR9 of the Wirral Unitary Development Plan, Supplementary Planning Guidance SPG10 and the National Planning Policy Framework. Furthermore, it is considered that the proposal, subject to appropriate mitigation measures identified being implemented, will accord with Policies NC5 and NC6 of Wirral's Unitary Development Plan and would not have an adverse impact on the integrity of the identified sites, their habitats and species.

**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 24th April 2020 and listed as follows:

18-242-P2-01B, received 3rd July 2020;  
18-242-P2-110B, received 3rd July 2020;  
18-242-P2-112B, received 3rd July 2020;  
18-242-P2-101C, received 17th July 2020;  
18-242-P2-111C, received 18th September 2020;  
18-242-P2-100E, received 24th September 2020; and  
18-242-P2-102C, received 24th September 2020.

As well as:

Ecology Survey and Assessment (We Know Services, May 2020);  
Arboricultural Method Statement We Know Services April 2020) Revision B and plan  
(19/00053/MS/B);  
Arboricultural Implications Assessment Revision B (We Know Services April 2020).

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

3. No above ground works shall take place prior to details of all materials to be used in the external construction (facing, roof, openings etc) of this development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details.

**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.

4. Notwithstanding the details indicated on the plans hereby approved, details and elevations of the sandstone walls flanking the newly formed driveway to either side shall be submitted to and approved by the Local Planning Authority and constructed prior to the occupation of the premises. Such details to show: -

(a) To match existing sandstone boundary walls fronting Wetstone Lane in terms of material and in height

**Reason:** To ensure that the proposed development does not have a detrimental impact on the character of the area and to accord with Policies HS4 and HS10 of Wirral's Unitary Development Plan.

5. Prior to first occupation of the hereby approved property, the existing foliage to the existing boundary wall flanking the newly formed vehicular access to either side and to the grassed area immediately to the front of this boundary wall, shall be removed and maintained as such thereafter .

**Reason:** By reason of improving sight of the access to approaching vehicles and in the interests of highway safety and to accord with Policy HS4 in the in the Wirral Unitary Development Plan

6. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1<sup>st</sup> March to 31<sup>st</sup> August inclusive. If it is necessary to undertake works during the bird breeding season, then trees 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:** To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 175 of the NPPF.

7. Prior to first occupation of the hereby approved development, details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation shall be submitted to and approved in writing by the Local Authority. Thereafter, their implementation shall be carried out in accordance with the approved details.

**Reason:** To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 175 of the NPPF.

8. No external lighting shall be installed until details of the proposed lighting scheme to include a type, location and illuminance level has been submitted to and approved by the Local Authority , thereafter development should be carried out in accordance with the approved details.

Please refer to the Bat Conservation Trust website  
<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

**Reason:** To protect the habitats of commuting and foraging bats and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 180 of the NPPF.

9. If works don't commence within 1 year of the production of the Ecology Survey and Assessment (We Know Services, May 2020,) no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works shall take place until a pre-commencement check for terrestrial mammals has been carried out by a qualified ecologist and if discovered, any relevant species have been removed to a place of safety. Thereafter, during the construction phase:
- i. any holes or trenches left open overnight should either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps);
  - ii. any exposed open pipe systems should be capped at the end of each working day to prevent mammals gaining access;
  - iii. construction work is limited to daylight hours and should only take place between 8am and 6pm;
  - iv. appropriate storage of materials to ensure that mammals cannot access them; and
  - v. that the property/site boundary walls and fences continue to allow for the free movement of mammals both during and after construction.

**Reason:** To safeguard protected species and their habitats and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 175 of the NPPF.

10. No development shall take place until a Site Waste Management Plan (or similar waste audit), confirming measures to achieve efficient use of resources and including designing out waste and minimisation of off-site disposal, 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 of the Wirral Unitary Development Plan and policy WM8 of the Merseyside and Halton Joint waste Local Plan.

11. Prior to any above ground works taking place a full specification of all proposed tree planting shall be provided 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 protected and the proposed time of planting. The tree species to be used shall accord with the recommendations as set out in Section 5.12 of the Ecology Survey and Assessment (We Know Services, May 2020).

All trees shall be planted in accordance with the details and times stated in the specification and in accordance with British Standard [BS4043 - Transplanting Root-balled Trees] [BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces)].

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

12. Prior to first occupation of the hereby approved dwelling, a schedule of maintenance of the trees until successfully established shall be submitted and agreed in writing with the Local Planning Authority. The measures set out in the schedule shall be implemented in full thereafter

The schedule shall include provision for replacement planting should establishment fail.

If within a period of five 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 and residential amenity and to accord with Policies GR5 and HS4 of the Wirral Unitary Development Plan.

13. 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.

Prohibited Activities:

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 builder's 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.

Arboricultural Site supervision:

The Arboricultural Method Statement Revision B (Ref.19/00053) and plan (19/00053/MS/B), produced by 'We Know Services' and submitted in support of the application shall be adhered to in full.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to accord with Policy GR7 of Wirral's Unitary Development Plan.

14. The dwelling hereby permitted shall not be occupied until a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a plan and specification and demonstrate:
- i. The materials to be used for hard and soft surfacing;
  - ii. A planting scheme which accords with the recommendations set out within Section 5 of the Ecology Survey and Assessment (We Know Services, May 2020);
  - iii. Compensatory tree planting to replace those specimens removed as part of the development to include the location, number, species and size of trees to be planted;
  - iv. Any earthworks required;
  - v. The location and design of fences, gates, walls, railings or other means of enclosure; and
  - vi. The timing of implementation of the scheme.

Thereafter landscaping scheme shall be carried out as approved.

**Reason:** To safeguard protected species and their habitats and in the interests of visual amenity and to accord with Policy NC7 and GR5 of the Wirral Unitary Development Plan.

15. Notwithstanding the details of the acoustic fencing as shown on submitted plans 18-242-P2-100/E and 18-242-P2-102/C, details and specifications of the acoustic fencing shall be submitted to the Local Authority for approval. The acoustic fence shall be implemented in accordance with those approved details and specifications prior to first occupation of the dwelling hereby approved and thereafter retained in place.

**Reason:** To safeguard the amenities of the neighbouring residential properties and to accord with Policy HS10 of Wirral's Unitary Development Plan.

16. The proposed trees to be sited along the northern and western boundaries and as showing on submitted drawing no.18-242-P2-100/E, shall at the time of planting have minimum girths corresponding to those detailed within Section 4.12 of the submitted the Arboricultural Implications Assessment Revision B (We Know Services April 2020). In the event that the identified tree species cannot be sourced at the recommended size, then a suitable replacement should be sourced and which accords with the recommendations as set out in Section 5.12 of the Ecology Survey and Assessment (We Know Services, May 2020).

**Reason:** In the interests of residential amenity and to accord with Policies GR5 and HS4 of the Wirral Unitary Development Plan.

17. The north facing first floor habitable opening within the approved new dwelling shall not be glazed otherwise than with obscured glass which obscuration level is no less than Level 3 of Pilkington Glass scale (or equivalent) and fixed shut and thereafter be permanently retained as such.

**Reason:** To safeguard the amenities of occupiers of adjoining properties and to comply with Policy HS4 of the Wirral Unitary Development Plan.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) no garages, outbuildings or enclosure shall be constructed within the applications site without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining property and the area generally and to accord with Policy HS4 of the Wirral Unitary Development Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) there shall be no enlargement or extension of the dwelling hereby

permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining property and the area generally and to accord with Policy HS4 of the Wirral Unitary Development Plan.

20. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - iii. A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

21. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

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

1. United Utilities

The applicant should follow best practise on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction.

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 applicant can discuss any of the above with Developer Engineer, Tom Bethell, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

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

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 detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. 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.

#### 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 and the design and construction period should be accounted for.

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.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.asp>

## 2. The Fire Authority requests that any decision notice includes the following information;

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

Should you require any further information in respect of this correspondence please contact:

Email: [planningandbuildingregulationsteam@merseyfire.gov.uk](mailto:planningandbuildingregulationsteam@merseyfire.gov.uk)

**Last Comments By: 31/07/2020**  
**Expiry Date: 25/06/2020**