

**Planning Committee**

**17 December 2020**

**Reference:**  
**APP/20/00467**

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

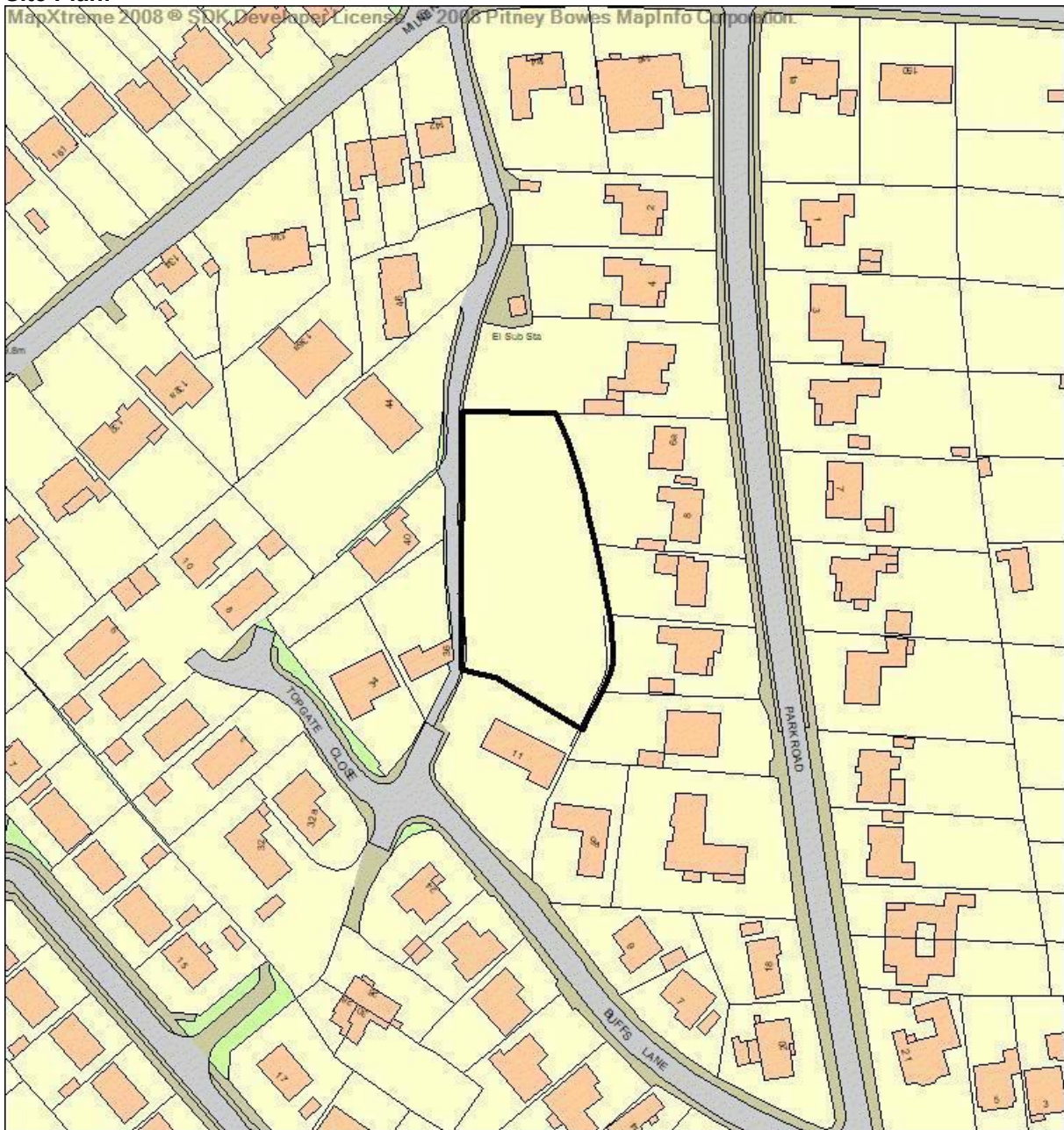
**Case Officer:**  
**Mr M Wood**

**Ward:**  
**Heswall**

**Location:** Clan Mo, 11 BUFFS LANE, BARNSTON, CH60 2SQ  
**Proposal:** Development of 3 detached 4-bedroom houses to rear of property  
**Applicant:** Mr Byrne  
**Agent:** NMW Design

**Qualifying Petition:** Yes, Number of Signatures: 26

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

No relevant planning history

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

1.1 Removed from delegation by Councillor Jerry Williams (Bebington Ward Councillor) who raised concerns relating to access and impact upon character of the area.

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

Having regard to the Council's Guidance for Publicity on Planning Applications, notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, 31 representations have been received which consist of 29 objections and two supporting statements, there was also a qualifying petition lodged with 26 signatures summed up as follows:

1. Highways impact taking into account the unadopted access road
2. Scale and massing of the proposal
3. Increase of traffic volume, not enough car parking
4. Overlooking
5. Impact upon trees

**2.2 CONSULTATIONS**

**Highways** - Following negotiations and site meetings that has involved improving the access arrangements no objections are raised. A condition requiring a construction management plan will be required given the limited access to the site for construction traffic.

**Merseyside Environmental Advice Service** - No objections, recommends conditions to protect and enhance biodiversity on the site.

**United Utilities** - Standing Advice

**Tree Officer** - No objections subject to conditions

**3.1 Site and Surroundings**

3.1.1 The site is located within a Primarily Residential Area in an area of land to the rear of no. 11 Buffs Lane, Barnston which is a large, detached bungalow property, brick built with dual aspect bow windows and a tiled roof. The other properties closely affected by the site are no's 34-44 Buffs Lane which are a mix of detached two storey and bungalow properties with no real established building lines to speak of.

3.1.2 To the eastern boundary of the site there are a row of detached large bungalow properties on Park Road that would run parallel with the proposal. The development site is constrained in terms of vehicular access as there is a pinch point whereby the road narrows significantly and effectively becomes a single track which serves no's 40 and 44 Buffs Lane and provides a Public Right of Way running 180m from the adopted point of Buffs Lane heading north to Milner Road this access track is unadopted.

**3.2 Proposed Development**

3.2.1 The proposal seeks to erect 3 no. two storey, detached dwellings, with adjoining garages and associated driveways following the subdivision of the existing plot which would be in keeping with the existing character of the area. The application site is currently occupied by a detached Bungalow and extensive garden area which is bounded by the unadopted element of Buffs Lane. The development includes alterations to the existing access which

will widen the access for the new and existing dwellings.

- 3.2.1 Each dwelling will be a 4-bedroom family property and incorporate a double frontage design with bay features and part brick part render facing materials - each with an individual final appearance. Each property will have an adjoining garage with associated off-street parking and garden space.

### **3.3 Development Plan**

- 3.3.1 Wirral Unitary Development Plan (UDP) Policies  
Policy HS4: Criteria for New Housing Development  
Policy HS10: Backland Development  
Policy GR7: Trees and New Development

Joint Waste Local Plan for Merseyside and Halton

- Policy WM8: Waste Prevention and Resource Management  
Policy WM9: Sustainable Waste Management Design and Layout for New Development

### **3.4 Other Material Planning Considerations**

- 3.4.1 The National Planning Policy Framework (NPPF)  
Section 2: Achieving sustainable development  
Section 4: Decision Making  
Section 5: Delivering a sufficient supply of homes  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places

SPG 10: Backland Development

### **3.5 Assessment**

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

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

3.6 Principle of Development:

- 3.6.1 The application site is located within a Primarily Residential Area and as such is deemed acceptable in principle subject to satisfying the abovementioned policy considerations.

3.7 Design:

- 3.7.1 The proposal incorporates a trio of 4-bedroom two storey properties all similar in appearance employing a mix of brick and render facing materials. Plots 1 and 3 include a dutch gable roof design which bookend plot 2 which has a conventional hipped roof. The new dwellings run parallel with Park Road to the east and would provide a high level of design quality with control of high-quality finishing materials.

- 3.7.2 It is highlighted that the surrounding makeup of the area includes a varying degree of styles and house types and the applicant has sought to keep each dwelling individual with consistent design themes in each property that will enhance the area whilst also reflecting individuality of surrounding properties.

3.8 Highways:

- 3.8.1 Upon submission of the application there were significant concerns raised in terms of the access provision on an unadopted track that serves existing properties upon this part of Buffs Lane. After significant discussions and site visits from Highways Engineers a design solution has been put forward to widen the access and improve the existing arrangements which will be further controlled by means of a s50 highways agreement.

- 3.8.2 In regard to the maintenance/liability of the crossover within the adopted highway this would fall to the Council as the Local Highway Authority, within the redline boundary the driveway/access would remain private and it would be the applicants/developer's responsibility for any maintenance requirements.
- 3.8.3 It is noted that a key theme contained with objections raised was the access and how the situation on Buffs Lane is far from ideal due to the condition of the unadopted road. The Local Highway Authority having pro-actively working with the applicant to provide a design solution to these concerns. Taking this into account the Engineers are satisfied that Highway safety concerns have been addressed, subject to a construction management plan agreeing the arrangements for delivery of plant and materials and contractor parking as Buffs Lane is unsuitable for heavy construction vehicles.
- 3.8.4 In curtilage parking (drive and adjoining garages) and turning space can be provided for at least two vehicles, in accordance with saved policy TR9 of the UDP.
- 3.9 Ecology:
- 3.9.1 No trees will be removed as part of allowing the proposal and it is considered that there will be no trees on neighbouring sites significantly affected by the development. Furthermore, a well-considered landscaping scheme can come forward by means of a suitably worded planning condition. The proposed site plan offers an indicative landscaping element that will see trees and planting come forward as part of the development, assisting in screening the site from those closest affected and this is a key consideration taking into account policy GR7 and also the Tree Hedgerow and Woodland Strategy 2020-2030.
- 3.9.2 Taking into account the limited impact on existing trees couple with a sensitively designed landscaping scheme it is considered that the environmental impact associated with the proposal are acceptable and accord with the abovementioned policies.
- 3.10 Amenity:
- 3.10.1 Careful consideration has been made in terms of the impact upon amenity of neighbouring occupiers and it is important to note that assessing the impact on neighbouring occupiers is a key part of the assessment. When looking at whether a new development will have an acceptable level of impact on neighbour's assessment is made base on the relationship and orientation of surrounding established properties. It is considered that looking at the existing established properties on Buffs Lane, their orientation, amenity space and outlook that the proposal would have an acceptable level of impact and be compliant with policy HS4. This is further compounded when looking at existing landscaping and screening surrounding affected properties which would further be mitigated by a well-designed landscaping scheme associated with the proposal.
- 3.10.2 With no real established pattern of development in this area and surrounding properties having no uniform relationship with each other it is considered that the proposal will create a modern well-designed scheme that will allow a high level of amenity for future occupiers whilst also having an acceptable level of impact on surrounding dwellings.
- 3.10.3 Having considered the proposed altered access arrangements, character and relationship between the proposed dwellings and established surrounding properties it is considered that allowing the proposal would not resulting in a detrimental change in the character of the area, nor create undue noise, disturbance, loss of privacy or sense of enclosure affecting adjoining residents. This would accord with policy HS10 and SPG10 as mentioned above.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to Policies HS4, HS10 and GR7 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 scheme represents the construction of three dwellings in a sustainable location. It is considered that allowing the proposal in this location would not have a significant adverse effect on the character and appearance of the area, neighbouring residential amenity and highway safety, nor have an unacceptable level of impact upon trees or biodiversity.

**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 24/3/20 (unless otherwise stated) and listed as follows:

BLH/PL01 - LOCATION PLAN REV A received electronically 4/12/20  
BLH/PL02 - PLANNING LAYOUT REV D received electronically 4/12/20  
BLH/PL03 - STREET SCENE  
BLH/HT/P1-01 PLOT 1 FLOOR PLANS  
BLH/HT/P1-02 PLOT 1 ELEVATIONS  
BLH/HT/P2-01 PLOT 2 FLOOR PLANS  
BLH/HT/P2-02 PLOT 2 ELEVATIONS  
BLH/HT/P3-01 PLOT 3 FLOOR PLANS  
BLH/HT/P3-02 PLOT 3 ELEVATIONS

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

3. Before any construction commences, samples of the facing 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.

4. No construction equipment, plant or materials shall be brought onto site until:
  - i. A tree protection plan and specification has been submitted to and approved in writing by the Local Planning Authority demonstrating the provision of root protection area fencing in line with the requirements of British Standard 5837:2012 'Trees in Relation to Construction - Recommendations' or any subsequent amendment to that document, around all trees, hedges, shrubs or other planting to be retained; the provision of ground protection during construction; and a location plan and method statement for the installation of any 'no-dig' surfacing for the vehicular access parking and turning areas; and
  - ii. The Root Protection Area fencing, and ground protection has been installed in accordance with the approved plan and specification.

Thereafter development shall be carried out in accordance with the approved details and

the fencing and ground protection shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification.

**Reason:** In the interests of the health and amenity value of trees and to accord with saved policy GR7 of the Wirral Unitary Development Plan.

5. The dwellings 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. 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;
  - iii. Any earthworks required;
  - iv. The location and design of fences, gates, walls, railings or other means of enclosure; and
  - v. The timing of implementation of the scheme.

Thereafter development shall be carried out as approved.

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

6. If, within a period of five years from the date of planting of any tree under the landscaping scheme approved by condition, that 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 species and size as that originally planted shall be planted in the same place unless the Local Planning Authority agrees to any variation.

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

7. No vegetation removal shall take place within the main bird nesting season (1st March to 31st August inclusive) until a pre-commencement check is carried out by a qualified ecologist no earlier than 48 hours before works take place and the qualified ecologist confirms in writing to the Local Planning Authority that no actively nesting birds will be affected by the works.

**Reason:** In order to avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

8. No treatment or removal of *Rhododendron R. ponticum* or Variegated Yellow Archangel (both listed as 'invasive' within Schedule 9 of Part 2 of the Wildlife and Countryside Act 1981) shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
- i. A plan showing the extent of the plants;
  - ii. The method(s) to be used to prevent the plants spreading further, including demarcation;
  - iii. The method(s) of control to be used including details of post control monitoring; and
  - iv. How the plants will be disposed of after treatment/removal.

Thereafter the works shall be carried out as approved.

**Reason:** To avoid harm to biodiversity resulting from the spread of these species in the

wild, in accordance with the objectives of paragraph 175 of the National Planning Policy Framework.

9. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be adhered to throughout the construction period. The plan shall provide for the following:
- i. Location(s) for the parking of vehicles of site operatives and visitors;
  - ii. Location(s) for the loading and unloading of plant and materials;
  - iii. Location(s) for the storage of plant and materials used in construction of the development;
  - iv. Measures to control the emission of noise, vibration and dust during construction;
  - v. Construction phase delivery and working hours not to exceed 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturday and not at all on Sunday or public holidays.

**Reason:** In the interests of highway safety and residential amenity.

10. The site shall be developed with separate systems of drainage for foul and surface water.

**Reason:** In the interests of satisfactory and sustainable drainage.

11. The dwellings hereby permitted shall not be occupied until details of the provision to be made for bat roosting and bird nesting on the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out as approved.

**Reason:** To ensure the development makes provision for biodiversity enhancement in accordance with the objectives of paragraph 175 of the National Planning Policy Framework.

12. Prior to first occupation of the use hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Joint Waste Local Plan.

13. Before any above ground construction work is commenced details of the proposed finished floor levels and the ridge and eaves heights of the dwellings 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 and the eaves and ridge heights of surrounding properties. 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 development, any trees and hedgerows and the amenities of neighbouring properties having regard to Policy HS4 of the Wirral Unitary Development Plan.

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

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. 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](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

**Last Comments By: 10/06/2020**  
**Expiry Date: 19/05/2020**