

**Planning Committee**

**17 March 2022**

**Reference:**  
**OUT/20/00967**

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

**Case Officer:**  
**Mrs S Day**

**Ward:**  
**Heswall**

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

Witch Wood, MERE LANE, HESWALL, CH60 6RR  
Outline application with all matters reserved for the demolition of the existing dwelling and the erection of a detached building containing 7 self-contained apartments with a detached bin/cycle store and on-site car parking.

**Applicant:** Ms Tranfield  
**Agent :**

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Witch Wood, MERE LANE, HESWALL, CH60 6RR  
Application Type: Outline Planning Permission  
Proposal: The application proposes outline planning consent for the demolition of the existing dwelling and the erection of 4no. detached dwellings.  
Application No: OUT/16/00347  
Decision Date:  
Decision Type:

Location: 'Witch Wood', Mere Lane, Heswall, L60 6RR  
Proposal: Erection of detached double garage.  
Application No: APP/80/17055  
Decision Date: 16/01/1981  
Decision Type: Conditional Approval

Location: Witchwood Mere Lane Heswall  
Application Type: Full Planning Permission  
Proposal: Extension at rear  
Application No: APP/74/00466  
Decision Date: 03/07/1974  
Decision Type: Conditional Approval

Location: 'Witch Wood' , Mere Lane , Heswall, L60 6RR  
Application Type: Full Planning Permission  
Proposal: Single storey rear extension  
Application No: APP/84/25554  
Decision Date: 04/10/1984  
Decision Type: Conditional Approval

Location: Witch Wood, MERE LANE, HESWALL, CH60 6RR  
Application Type: Planning Pre-Application Enquiry  
Proposal: Erection of 3 houses  
Application No: PRE/18/00215/ENQ  
Decision Date: 11/10/2018  
Decision Type: Pre-Application Reply

Location: Witch Wood, MERE LANE, HESWALL, CH60 6RR  
Application Type: Planning Pre-Application Enquiry  
Proposal: Erection of eight apartments  
Application No: PRE/18/00439/ENQ  
Decision Date: 16/12/2019  
Decision Type: Pre-Application Reply

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

1.1 Councillor Andrew Hodson noted his objection to the proposals.

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

In line with the Council's policy for publicity of planning applications, letters were sent to 7

neighbouring properties when the application was initially received towards the end of 2020. 147 objections have been received, including objections from the Heswall Society, Wirral Wildlife and the Irby, Thurstaston and Pensby Amenity Society. In addition, 39 comments of support have been received.

The objections relate to the following matters:

- Increase in traffic on Mere Lane resulting in highway safety issues;
- The access is on a blind bend which will be hazardous with more traffic using the site;
- The site is a green area and development will result in the loss of wildlife and habitat;
- The proposed development would be out of scale and harmful to the character of the surrounding area;
- The existing house should be retained to preserve the character of the area
- The development will result in the loss of many trees;
- The development near to the public footpath will spoil a pleasant walking route;
- It will have an adverse impact on residential amenity in terms of overlooking and noise;
- Protected species will be harmed by the development;
- Proposal would be overdevelopment of this site.

### CONSULTATIONS

Highways - No objection subject to conditions and informative

Trees/Landscaping - No objection subject to conditions to protect trees during construction

MEAS - No objection subject to conditions.

United Utilities – Information regarding surface water and foul drainage required prior to development.

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

3.1.1 The application has received 147 individual objections which requires it to be considered by Planning Committee.

### **3.2 Site and Surroundings**

3.2.1 The application site consists of an existing single storey dwelling in a large garden of some 0.21ha in area. The existing dwelling is of no particular architectural merit and is falling into disrepair. The site narrows towards the frontage with Mere Lane where there is an existing vehicular access and is significantly wider to the rear. The existing dwelling is set within the site and because of the shape of the site with its relatively narrow frontage, has little impact on the street scene. There are a number of mature trees on and around the site, some of which are subject to a Tree Preservation Order (TPO). A number of the trees which were present when the application was originally submitted have been lost to recent storm damage.

3.2.2 A public footpath connecting Mere Lane with Tower Road North runs along the southwestern boundary of the site. There is a band of protected trees adjacent to the footpath within the boundary of 20 Mere Lane.

3.2.3 The surrounding properties in Mere Lane and to the rear of the site are residential consisting of a mix of detached houses and bungalows. They vary in age and have no consistent design or characteristic. Front gardens in Mere Lane are not particularly deep and most dwellings are clearly visible from Mere Lane, with the exception of the application site and 30 Mere Lane. The application site currently differs from many of the neighbouring properties in that it is a relatively small dwelling in a large plot.

### **3.3 Proposed Development**

3.3.1 The proposed development is an outline application for 7 apartments and parking. All matters are reserved, although an illustrative layout, parking plan, floor plan and elevation has been submitted to demonstrate how a development of this size could be accommodated on site with regard to neighbouring properties and protected trees. The proposed access to the site would utilise the existing access to the dwelling with necessary widening

### **3.4 Development Plan**

#### **3.4.1 UDP Plan Policy HS4 - Criteria for New Housing Development**

This policy requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

#### **3.4.1 UDP Plan Policy GR5 - Landscaping and New Development**

This policy clarifies the importance of landscaping on the enhancement of visual amenity and details what is required.

#### **3.4.2 UDP Plan Policy GR7 - Trees and New Development**

This policy seeks to address the importance of trees in new development and sets out the how new development should be assessed with relation to this.

#### **3.4.3 UDP Plan Policy NC7 - Species protection**

This policy seeks to protect species which may be adversely affected by proposed development.

#### **3.4.4 Supplementary Planning Document (SPD) 2 - Designing for Self-Contained Flat Development**

This guidance sets out the criteria and considerations for new flat development, including design, amenity, and sustainability.

#### **3.4.5 SPD 4 - Parking Standards**

This guidance sets out the parking requirements for different forms of development. Parking requirements are expressed as a maximum.

#### **3.4.6 Joint Waste Local Plan**

Waste Local Plan Policies WM8 and WM9 set out the requirements for waste management, recycling, and efficient use of resources.

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

**3.5.1 National Planning Policy Framework (NPPF)** supports sustainable development which encompasses good design. Development should make effective use of land and make a positive contribution to an area

#### **3.5.2 Wirral Tree, Hedgerow and Woodland Strategy 2020-2030**

This strategy aims to protect the Borough's existing tree and hedgerow stock whilst increasing the number of new trees planted between 2020 and 2030.

### **3.6 Assessment**

**3.6.1** The key issues pertinent in the assessment of the proposal are;

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

#### **3.7 Principle of Development:**

**3.7.1** The application site lies within a primarily residential area where new residential development is acceptable in principle subject to the policies outlined above.

**3.7.2** The application is submitted as an outline proposal with all matters reserved for approval as part of any subsequent reserved matters application. Notwithstanding this, the applicant has submitted an indicative site layout, parking layout, building footprint and elevations to demonstrate how a development of this scale and form could be accommodated on site.

This enables a more detailed assessment of the likely impact on matters such as the impact on neighbouring properties, character of the area, traffic generation, trees, and wildlife to be made. Whilst these plans support and inform the application, they are not subject to approval at this stage. Should the application be approved, an informative would be added to the decision notice to clarify that the submitted drawings have not been approved.

3.8 Design:

3.8.1 Whilst the detailed design matters do not form part of this outline application, nonetheless, to ensure that a development of the scale proposed could be achieved on this site, an indicative site layout, plans and elevations have been submitted. The surrounding area is one of a mix of dwellings with a dormer dwelling to the northern side boundary and two storey dwellings to the south and west. The proposed footprint is set well within the site to allow parking to the front and a garden to the rear. This is similar in character to the neighbouring dwellings on Mere Lane.

3.8.2 An indicative footprint is shown which demonstrates how seven three bed apartments could be accommodated in a two and three storey building. The lower two storey element would be sited alongside the dormer dwelling at 30 Mere Lane, with the higher element alongside the public footpath and the two-storey dwelling beyond. The depth of the proposed building is limited to one apartment so that the proposed development is in the form of a wide but shallow building, minimising the impact on either side of the site. The frontage of the building is set some 32m into the site which aligns with the building line of 30 Mere Lane.

3.8.3 SPD2 requires new flat development to be sited with regard to the layout, pattern and use of the spaces between other buildings in the surrounding areas. In addition, development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property. The submitted illustrative plans demonstrate that a building containing seven three bed apartments could be accommodated on site with a height that does not appear out of scale with the surrounding properties and that is set sufficiently within the plot for views from the narrower entrance to be limited. As such, it is considered that the proposal would accord with the requirements of UDP Policy HS4 and SPD2 in that it would relate well to adjacent neighbouring properties and not result in a detrimental impact on the character of the area.

3.9 Highways:

3.9.1 The proposed development would re-use the existing vehicular access from Mere Lane. This access is at a bend in the road and concern has been expressed by objectors that the increase in traffic would be hazardous for drivers and also for pedestrians using both Mere Lane itself and the adjacent public footpath. Furthermore, concern has been expressed by objectors that the development does not include sufficient parking to meet the needs of 7, 3 bed apartments. Whilst an outline application, the proposed development of seven flats includes an illustrative layout of two parking areas to the front of the site which would provide twelve car parking spaces, and a cycle parking and bin storage area.

3.9.2 SPD4, requires self-contained flats to have a maximum of one parking space per flat and houses of three or more bedrooms to have a maximum of two parking spaces. The proposed twelve spaces are greater than the parking required for flats but slightly short of the maximum of two spaces required for three bed houses. As these are potentially large flats, the proposed amount of parking is considered to accord with SPD4 whilst leaving sufficient space within the front garden area for new landscaping. There is adequate space to accommodate more parking if necessary.

3.9.3 The Council's Engineers have advised that;

- The proposals are all contained within the site and will not impact on the highway;
- The level of on-site parking accords with SPD4;
- The existing access will need to be 4.5m wide to allow two-way vehicle movement;
- It is unlikely that the development would generate significant levels of traffic;
- A condition is required for the scheme of works for the highway crossing;
- An informative relating to consent for highway works be added to any permission.

On the basis of the above comments, they raise no objection to the proposals.

3.10 Ecology:

3.10.1 The application was accompanied by an Ecological report of the site which, together with an updated tree report has been used to inform the ecological assessment of this application. The report assessed the habitat potential of the site for terrestrial mammals, amphibians and birds and bats. Whilst no evidence of amphibians was found it is acknowledged that terrestrial mammals may use the site for foraging, and this would inform any conditions attached to a planning consent. No evidence of nesting birds was found in the trees and only one tree was identified as a bat roost. The buildings to be demolished include the single storey dwelling and a detached prefabricated shed and the survey concluded that their bat roost potential was low. Much of the existing garden could remain as part of any future proposals. The Council's ecology advice service (MEAS) has confirmed no objection to the proposals subject to a range of appropriate conditions. The recent storm damage has meant the loss of the tree which was observed to have a bat roost. As this tree was lost due to a natural event, no mitigation is required.

3.10.2 In order to ensure that any existing wildlife is protected, conditions are advised which would require the submission of a method statement in relation to Reasonable Avoidance Measures for terrestrial mammals and amphibians and the provision of new habitat for wildlife in the form of bat and bird boxes. In addition, landscaping conditions will require the agreement and implementation of appropriate landscaping including the provision of trees to mitigate for the loss of trees previously on site.

3.11 Amenity:

3.11.1 UDP Policy HS4 and SPD2 both set out the requirement for new development not to have an adverse impact on the amenity of neighbouring uses. In this instance a large number of objections have been received which raise concerns over neighbour amenity. In respect of the properties immediately adjacent to the site this relates to matters such as overlooking and privacy. Wider concerns from objectors who live further afield relate to the character of the area and the impact of the development on the area. As the proposal is an outline application, such specific details are reserved for subsequent approval and the detailed impact of the development is not under consideration. However, the Local Planning Authority has to be satisfied that any development on the site can be accommodated without loss of amenity to neighbouring properties. The wider impact of character has been considered earlier in this report in sections 3.8 and 3.9.

3.11.2 SPD2 requires new development to achieve interface distances of 21m between habitable room windows and 14m between a blank gable wall and a habitable room window to an adjacent property. This distance increases where there is a difference in height. Half of the proposed site area would be given over to garden for the development and this would be located to the rear of the proposed building. This ensures that where the development adjoins adjacent rear gardens, adequate distance can be retained between gardens to protect residents' privacy. The illustrative layout indicates a distance of over 13m from the three storey element of the proposal to the boundary with the property to the rear and a distance of between 24.8 and 27metres to the windows in the side elevation of this property, which would exceed the minimum distances required. Although the proposed building indicates a structure that is close to each side boundary, this is not out of character with the built form of development in the area and as the building could be well accommodated within the site its impact on the street scene would be limited. The adjacent property, 30 Mere Lane is a dormer property that has a side dormer window facing onto the application site. This window is a side window which does not serve the primary elevations of the property and appears to be obscurely glazed. The relationship between this any adjacent proposed building would be no different to the side to side relationship between the majority of dwellings in the surrounding area, provided care is taken to limit the height of any proposed new building in this location.

3.12 Trees

3.12.1 The initial submission included a tree survey of the application site. To incorporate the

illustrative development, it was proposed to remove many of the trees on site - mainly those to the front, rear and eastern side boundary adjacent to the public footpath. In response a temporary TPO was placed on a number of these trees and further consideration was given to the retention of those trees in relation to proposed development of the site. As a result, the siting of the building was amended so that it now gives a greater distance to the rear of the site leading to the retention of more trees at the rear of the site. A revised TPO was then made by the Council as a result of these revisions to the development but in the intervening period, many of the trees on site have blown down during the recent storms, including three of the trees which were covered by the revised TPO.

- 3.12.2 Another revised tree survey has been submitted to the Council which reflects the site as it currently is. On the basis of the proposed illustrative development, 4 trees along the northern boundary of the site and several to the rear of the site would need to be removed to facilitate the development. The trees along the northern boundary consist of an oak and three smaller trees which are in a poor condition and none of these trees are protected by the TPO. To the rear of the site, the trees to be removed consist of a small section of a group of young trees which are also not protected by the TPO.
- 3.12.3 In line with the Council's Tree Strategy and Policy GR7 of the UDP, a landscaping condition is proposed which would secure appropriate landscaping on site and the replacement of trees lost as a result of development. In addition, conditions which ensure the protection of existing trees during construction are proposed.

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

In view of 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 the National Planning Policy Framework and accompanying advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is considered capable of being acceptable in scale and design and to not have a harmful impact on the character and appearance of the surrounding area and neighbouring residential amenity. It has been demonstrated that the principle of the proposed development could be carried out without resulting in harm in terms of highway and biodiversity matters. As such the development accords with the objectives of Wirral's Unitary Development Plan and the National Planning Policy Framework.

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

#### **Recommended Conditions and Reasons:**

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

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

2. NO DEVELOPMENT SHALL COMMENCE ON SITE UNTIL details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;

- (d) The landscaping of the site; and
- (e) The means of access

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

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

3. Any subsequent application for reserved matters shall be accompanied by full details of the finished site and ground floor levels intended at the completion of the development, in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent developments in accordance with Policy HS4 of the Wirral Unitary Development Plan

4. Details of materials for all external work including samples, shall be submitted to and approved by the Local Planning Authority before any construction takes place above ground level.

**Reason:** To ensure a satisfactory development which accords with Wirral Unitary Development Plan Policy HS4 and does not prejudice the amenity of the locality.

5. No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

**Reason:** In the interests of highway safety and to accord with Policy TR9 in the in the Wirral Unitary Development Plan

6. The detailed landscaping plans submitted as reserved matters shall include:

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

**Reason:** In the interests of visual amenity and to ensure that the development complies with Policy GR5 of the Wirral Unitary Development Plan.

7. The approved landscaping shall be completed before the development approved is occupied. Within 5 years of the implementation of the approved landscaping scheme, any plants or trees which die or become diseased shall be replaced with an equivalent plant or tree.

**Reason:** To retain and enhance the character of the area in accordance with policy GR5 of the Wirral Unitary Development Plan.

8. Construction of the development authorised by this permission shall not begin until the LPA has approved in writing a full scheme of works for the construction of the new vehicle access from the highway and any amendments to the existing highway made necessary by this development, including details of the temporary vehicle crossing access, the new permanent vehicle access in accordance with the LPA crossing specifications and amendments to the footway to Mere Lane. The approved works shall be completed in accordance with the LPA's written approval and prior to occupation of the development.

**Reason:** To ensure the safety of pedestrians is secured prior to residential occupancy of



the development and in the wider interests of highway safety having regard to Policy HS4 of the Wirral Unitary Development Plan.

9. Prior to the first occupation of the development hereby approved, details of the proposed refuse storage including provision for recycling shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

10. Any subsequent application for reserved matters shall include details of secure covered cycle parking. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

11. Before the development hereby approved is first commenced, a Construction and Environmental Management Plan (CEMP), which shall also include a Site Waste Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to for the duration of the construction of the development.

**Reason:** To maintain the operation of the local and strategic highway networks and to protect the amenities of neighbouring residents in accordance with Policy HS4 of the Wirral Unitary Development Plan and Sections 9 and 12 of the National Planning Policy Framework.

12. No tree felling, scrub clearance or hedgerow removal 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 trees, scrub and hedgerows 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 and approved prior to the commencement of such works.

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

13. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

**Reason:** In the interests of nature conservation having regard to Policy NC7 of the Wirral Unitary Development Plan.

14. The development hereby permitted shall not be occupied until details of bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

**Reason:** In the interests of nature conservation having regard to Policy NC7 of the Wirral Unitary Development Plan.

15. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and does not result in excessive light spill onto the habitats in line shall be

submitted for approval and implemented in accordance with those details.

**Reason:** In the interest of biodiversity and habitat in accordance with Policy NC7 of the Wirral Unitary Development Plan

Further guidance is available at the Bat Conservation Trust website  
<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

16. A method statement for the protection of terrestrial mammals and amphibians during the construction period shall be submitted to and agreed with the Local Planning Authority before any development commences. This shall include, but not be limited to:

- A pre-commencement check for terrestrial mammals
- All trenches and excavations should have a means of escape (e.g a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access
- Appropriate storage of materials to ensure that mammals do not use them.
- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians present to move away from the affected areas.
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
- Any open excavations (e.g foundations / footings / service trenches etc.) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians

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

**Reason:** In order to safeguard a protected species during the construction period in accordance with policy NC7 of the Wirral Unitary Development Plan

17. A licensed bat ecologist is required to directly supervise the removal of the timber boards at the gable ends; and the removal of any existing lifted tiles from the roof of the building (referred to as buildings 1 and 2 in the ecology report: ETIVE ECOLOGY Ltd. September 2018. Witchwood, Mere Lane, Heswall. Proposed Re-development of residential site Ecology Report)

**Reason:** In the interests of nature conservation having regard to Policy NC7 of the Wirral Unitary Development Plan.

18. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started, or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

**Reason:** To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

19. Before the development is commenced, a method statement detailing measures to be taken during construction to protect the health of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved method statement shall be implemented in full throughout the construction phase.

**Reason:** To prevent damage to trees in the interests of the visual amenity of the area and to comply with Policy GR7 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

**Last Comments By:** 23/11/2020 14:23:42  
**Expiry Date:** 18/12/2020