

## Planning Committee

June 29<sup>th</sup> 2022

Reference:  
**APP/21/02147**

Area Team:  
**Development  
Management Team**

Case Officer:  
**Mr B Pratley**

Ward:  
**Heswall**

**Location:** Allandale, FARR HALL ROAD, HESWALL, CH60 4SD  
**Proposal:** Demolition of an existing building and development of 4no. detached dwellings, with associated hard and soft landscaping.

**Applicant:** Artfull Developments Ltd  
**Agent :** Condy Lofthouse Architects

**Qualifying Petition:** Yes, Number of Signatures: 134

### Site Plan:



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**Development Plan designation:**  
Primarily Residential Area

### Planning History:

Location: Allandale Abbeyfield, FARR HALL ROAD, HESWALL, CH60 4SD  
Application Type: Full Planning Permission  
Proposal: Change of use from vacant former care home (Use Class C2) to residential dwelling (Use Class C3).  
Application No: APP/19/00592  
Decision Date: 03/07/2019  
Decision Type: Approve

Location: ALLANDALE, FARR HALL ROAD, HESWALL, WIRRAL, CH60 4SD  
Application Type: Full Planning Permission  
Proposal: Extension to form dining room  
Application No: APP/16/00726  
Decision Date: 21/07/2016  
Decision Type: Approve

Location: Allandale Abbeyfield, Farr Hall Road, Heswall, Wirral, CH60 4SD  
Application Type: Full Planning Permission  
Proposal: Erection of a two storey side extension.  
Application No: APP/05/05512  
Decision Date: 29/04/2005  
Decision Type: Approve

Location: Land in Farr Hall Drive, South of (adjacent) , Allandale, Farr Hall Road,  
Heswall, Wirral, L60 4SD  
Application Type: Full Planning Permission  
Proposal: Erection of three detached dwelling houses and garages.  
Application No: APP/99/07218  
Decision Date: 18/02/2000  
Decision Type: Approve

Location: Allandale Abbeyfield, FARR HALL ROAD, HESWALL, CH60 4SD  
Application Type: Full Planning Permission  
Proposal: Change of use from sheltered accommodation to residential care home  
Application No: APP/13/00628  
Decision Date: 03/07/2013  
Decision Type: Approve

Location: Allandale, Farr Hall Road, Heswall, Wirral, L60 4SD  
Application Type: Outline Planning Permission  
Proposal: Erection of nine dwellings (outline)  
Application No: OUT/98/05591  
Decision Date: 07/07/1998  
Decision Type: Withdrawn

Location: Land in Farr Hall Drive, South of (adjacent) , Allandale, Farr Hall Road,  
Heswall, Wirral,L60 4SD  
Application Type: Full Planning Permission  
Proposal: Erection of three detached dwelling houses and garages.  
Application No: APP/99/06167  
Decision Date: 04/01/2000  
Decision Type: Withdrawn

Location: Allandale ,Farr Hall Road ,Heswall ,L60 4SD  
Application Type: Full Planning Permission  
Proposal: Demolition of outbuildings and the conversion of existing dwelling to an  
Abbeyfield Home of 8 bed-sitting rooms, a dining room and kitchen and the  
erection of a housekeeper's flat.  
Application No: APP/83/22707  
Decision Date: 16/06/1983  
Decision Type: Conditional Approval

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

- 1.0 WARD MEMBER COMMENTS**
- 1.1 No comments received.

## 2.0 SUMMARY OF REPRESENTATIONS

### REPRESENTATIONS

Having regard to the Council Guidance on Publicity for Applications 75 notifications were sent to adjoining properties. 40 objections were received to the initial plans, listing the following grounds:

- Detrimental impact on the character of the area.
- Loss of privacy to neighbours.
- Loss of trees unacceptable
- Surface water flooding issues.
- Increased stress placed on water and sewage facilities.
- Increase in traffic generated.
- Potential for damage to Farr Hall Drive.
- Proposal should be reduced to 3 houses.
- Submitted plans are misleading.

2 objections appear to relate to proposals by the Leverhulme Estate to build properties on the Green Belt, and so do not appear to relate to this application.

A petition against the development, with 134 names, has also been received.

10 items of correspondence in support of this application have also been received. These list the following issues.

- Provides much needed housing on brownfield land.
- The proposed design and materials are sympathetic.
- Trees will be retained.

Following the submission of amended plans and additional details, including a drainage strategy, a further 50 objections have been received. These list/reiterate a number of the objections raised above. At the time of writing this report the re-consultation period has not expired. Any further objections will be reported at the Committee meeting.

### CONSULTATIONS

#### **The Heswall Society:**

- Objection to the loss of the existing building, one of the earliest works by the architect Herbert Rowse.
- Proposal represents an over-development of the site.
- Proposal is out of keeping with the character of the area.

**Welsh Water** – No objection following the submission of the drainage strategy.

**Highways** – No objection.

**Tree Officer** – No objection to the principle of development but concern expressed that, future occupants may wish to see a reduction in the tree canopy to overcome issues of shading.

**MEAS** – No objection subject to the inclusion of conditions.

## 3.1 Reason for referral to Planning Committee

3.1.1 A qualifying petition of 134 signatures and 40 individual objections has been received in opposition to the proposed development.

### **3.2 Site and Surroundings**

3.2.1 The application site comprises a large, detached dwelling positioned on a large plot. It is two storeys and is of a traditional design with deep overhanging eaves and sash windows. The site's most recent use was as a care home. The site is occupied by a number of trees which have the protection of a Tree Preservation Order.

3.2.2 The site and surrounding area are located within a Primarily Residential Area. The area is characterised by a relatively mixed built form, including flats and houses. Most of the dwelling houses are, however, detached.

### **3.3 Proposed Development**

3.3.1 Demolition of the existing building and development of four detached dwellings, with associated hard and soft landscaping.

### **3.4 Development Plan**

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

In order to secure the protection and enhancement of visual amenity the Local Planning Authority will require applicants to submit full landscaping proposals before full planning permission is granted. Proposals should:

(i) include a clear specification of landscaping proposals indicating the species mix, the location, height and density of new planting, as well as areas of new ground modelling or other land features proposed;

(ii) be appropriate in terms of the nature and location of the development proposed, the visual prominence of the site, the potential visual impact of the development and the character of the surrounding area;

(iii) provide for new planting and for the protection, replacement or enhancement of existing features such as ponds, trees, bushes, shrubs or hedges including, where relevant, appropriate boundary treatment and provision for the protection of wildlife; and

(iv) take full account of the effect of proposals on visibility at access points, the effect of local climatic influences and the potential for misuse or erosion which may affect the appropriateness of landscaping proposals.

Layouts that would leave landscaped areas which are not easily supervised or which would prejudice the supervision of other sensitive areas of the site will be resisted.

Planning permission will be subject to conditions relating to the protection of existing features specified for retention, the timing and aftercare of new planting including provision for the replacement of stolen, damaged, diseased or dead plants or trees throughout the period until newly planted stock is established and capable of normal unaided growth.

#### **3.4.2 Policy GR7 – Trees and New Development**

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value in the locality and their value for nature conservation.

#### **3.4.3 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.

#### **3.4.4 Policy NC7 – Species Protection**

Development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/or planning obligations.

### 3.4.5 Policy TR9 – Requirements for Off Street Parking

This policy requires the assessment of off-street parking provision to be guided by a number of considerations, including the availability of alternative modes of transport, road safety and traffic management issues.

#### Policy WA1 - Development and Flood Risk

(i) Within Washland, development will not be permitted unless the developer is willing to provide compensatory storage and/ or flood protection to an appropriate standard as part of the development.

(ii) Where land is (a) in an area protected from tidal flooding by embankments or (b) within a floodplain but at a lower risk of fluvial flooding and the land is protected by flood embankments, which are properly maintained and provide an acceptable standard of safety, development may be permitted, subject to consultation with the Environment Agency and where necessary the imposition of appropriate conditions, for example, with respect to minimum floor level.

(iii) Development which would itself increase the risk of flooding to other properties or which would reduce the effectiveness or impede the maintenance of flood control structures or works will not be permitted.

(iv) Development which would adversely affect the integrity and continuity of tidal and fluvial defences or which would compromise the access requirements for maintenance or emergency purposes will not be permitted.

## 3.5 **Other Material Planning Considerations**

3.5.1 The revised National Planning Policy Framework (NPPF) is a material consideration in the determination of this planning application. It supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area. Planning policies and decisions should optimise the potential of sites to accommodate development as long as the resulting scheme would provide acceptable living standards. The NPPF also states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

### 3.5.2 Wirral's Supplementary Planning Document 4 (SPD4) – Parking Standards

This document sets (among other matters) maximum limits for vehicle parking spaces.

### 3.5.3 Wirral Borough Council – Tree, Hedgerow and Woodland Strategy

This Strategy is a material consideration. It provides amongst other matters that planning applications will need to demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. The selection of new species to be planted will use the “right tree for right place” approach.

### 3.5.5 Emerging Wirral Local Plan and its status

Wirral Borough Council is in the process of submitting a new local plan for examination. On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England)

Regulations 2012 before submission to the Secretary of State. The plan has been published and representations can be submitted until 25th July 2022

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision making process.

### **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 In principle the creation of four dwellings in a Primarily Residential Area is considered to be acceptable.

### **3.8 Design:**

3.8.1 The existing building is not an unattractive dwelling, with a number of features of some limited merit. Nonetheless, it is neither listed nor in a Conservation Area and does not feature in the Merseyside Local Heritage list. It is therefore considered that its demolition, in design terms, is acceptable.

3.8.2 The application is for the erection of four detached dwellings. They will be largely two storeys in appearance with some accommodation at second floor level in the roof space. They will be brick built with a two storey bay of sandstone sitting forward of the dwelling that will be set against a feature gable. An integral balcony will be positioned above the bay. A second, smaller, gable feature will be located on the front elevation with a triangular headed window. In terms of their individual detailed design the houses are considered to be of a good quality.

3.8.3 Notwithstanding the acceptability of the detailed design of the dwellings, during assessment of the application the case officer requested further detail regarding how the applicant determined that the proposal for four houses respected the character of the area. In response the applicant submitted a supplemental Design and Access Statement that highlights a number of relevant points, including that the density of the development and the size of the proposed plots will be similar to other locations in the surrounding area. The supplemental statement also draws attention to the benefits to the character of the area of replacing the existing close boarded fencing at the Farr Hall Drive entrance with ornamental railings.

3.8.4 Following the submission of the supplemental Design and Access Statement it is considered that the applicant has demonstrated that the impact of the proposal on the character of the area will be acceptable.

### **3.9 Highways:**

- 3.9.1 The vehicular access points will remain in their present locations, toward the south eastern boundary of the site on Farr Hall Road and at the junction of Farr Hall Road and Farr Hall Drive. However, the driveway will be sub-divided at its midway point, with Plots 1 and 2 served from the northernmost access and Plots 3 and 4 served from the southernmost access. Parking space for two vehicles will be provided for each dwelling. The Highways Department have noted that, in terms of vehicle movements, the proposed dwellings will be less intensive than the care home use. The highway implications of this proposal are considered to be acceptable.
- 3.9.2 The Highways Department had initially requested that a condition be attached to the permission requiring the submission of a Construction Management Plan. However, this is not considered to meet the test for planning conditions that they are necessary, and so it is not recommended that it is applied.

**3.10** Ecology:

- 3.10.1 Following a request by MEAS a preliminary bat roost assessment was submitted by the applicant. MEAS have confirmed that this is acceptable. They have also confirmed that the conclusions of the Ecological Appraisal in relation to badgers, hedgehogs and breeding birds are also acceptable. A number of conditions in relation to ecology are recommended.
- 3.10.2 Following the submission of a drainage strategy the Council's Tree Officer has confirmed that he has no objection to the principle of development. He originally expressed concern that future occupants of the proposed dwellings may wish to reduce the tree canopy in the event that they consider that their gardens are overshadowed. The applicant subsequently submitted a shade diagram which indicates that the shading of the garden of Plot 1 will, in the summer, be predominantly in the latter half of the day. Shading of the three other gardens will be more limited. Based on this information, the Tree Officer has confirmed that the level of light into the garden should be adequate to ensure that the Council will not come under pressure to reduce the spread of the trees, but nonetheless feels duty bound to record that he still has some modest concern. Whilst this moderate level of concern is recognised, it is considered that the extant Tree Preservation Order will provide the trees with a strong level of protection, and any occupants of the dwellings will be aware of the presence of the trees before purchasing a property. On balance, taking into account the benefits of the provision of four new dwellings, it is considered that any potential future impact on trees is acceptable.

**3.11** Amenity:

- 3.11.1 The proposed dwellings will be a significantly greater distance from properties on the far side of Farr Hall Road, and plots 1 and 2 at 53 Farr Hall Drive than the minimum 21 metre requirement. The proposal will not have a detrimental impact on these properties as a result of loss of privacy, loss of light or overbearing.
- 3.11.2 3 Farr Hall Drive is at a lower elevation than the application site. There are no side facing windows in this property that would have privacy compromised by Plots 3 and 4. There is, however, a conservatory which is understood to have a clear glazed window facing toward Plot 4. Whilst the separation distance of 26 metres is considered to largely protect privacy within the conservatory, nonetheless as a precaution the applicant has agreed to omit the balcony previously proposed to the rear of Plot 4. The proposed development is not considered to harm the amenity of 3 Farr Hall Drive. Following a request by the case officer balcony screens have been proposed to the remaining three balconies to protect the privacy of the occupants of the proposed neighbouring gardens.
- 3.11.3 The development achieves a separation distance of 31 metres between proposed Plot 1 and 2 Farr Hall Drive and this relationship further benefits from the fact that the dwellings will be at right angles to each other. The proposal will not harm amenity at this dwelling.
- 3.11.4 Following a request by the case officer the applicant has submitted a drawing indicating that proposed Plot 4 will not be closer than a line taken at 45 degrees from the middle of any habitable room windows in 5 Farr Hall Road. The proposal is not considered to have a

detrimental impact on the amenity of occupants of this dwelling.

**3.12** Other:

3.12.1 A number of the objectors to the scheme have raised the issue of drainage and the fact that, in their experience, current provision is poor and there is a risk of systems becoming overloaded should the development go ahead. The objectors have also made contact with Welsh Water, who have requested that a condition is attached requiring submission of a drainage strategy to provide for the disposal of foul, surface and land water.

3.12.2 It is commonly accepted that matters relating to drainage fall outside of the scope of the planning system. Nonetheless, it is apparent from the Environment Agency's surface water flood maps that the area does suffer from some surface water flooding issues. As such the applicant has submitted a drainage strategy. Welsh Water have confirmed that the drainage strategy is acceptable and have confirmed they have no objection to the application, subject to a condition ensuring that no surface water and/or land drainage is to be connected to the public sewerage network.

**Summary of Decision:**

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

The proposal is considered to be of a scale and design that is acceptable to the character of the residential area. There are no significant impacts on the amenities of neighbours on every side. The proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. The proposal will have an acceptable impact on trees and ecology. The highways implications of the proposal are acceptable. As such the proposal complies with Policies HS4, GR5, GR7, NC7, WA1 and TR9 of the adopted Wirral Unitary Development Plan, SPD2 and SPD4, and the National Planning Policy Framework.

**Recommended  
Decision: Approve**

**Recommended Conditions and Reasons:**

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 17 May 2022 and listed as follows: 21-042-110 Rev L, 21-042-123 Rev A, 21-042-153 Rev A, 21-042-122 Rev A, 21-042-152 Rev A, 21-042-121 Rev E, 21-042-151 Rev D, 21-042-120 Rev E, 21-042-150 Rev D and 21-042 111 Rev D.

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

3. No surface water and/or land drainage shall be connected directly or indirectly to the public sewerage network.



**Reason:** to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment and to comply with Policy WA1 (Development and Flood Risk).

4. The balcony screens hereby permitted shall be installed before the balconies are first bought into use. The screens shall thereafter be retained for as long as the balconies are in active use.

**Reason:** in the interests of the privacy of neighbouring dwellings and to comply with Policy HS14 of the Wirral UDP.

5. Prior to the occupation of the dwellings hereby approved, details of bat boxes, including their number, type and location and the timing of their installation, shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall thereafter be installed in accordance with the approved details.

**Reason:** to compensate for the loss of the existing building that is considered to have moderate suitability for roosting bats and to comply with Policy NC7 of the Wirral UDP.

6. Details of external lighting for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is installed. The lighting shall thereafter be installed only in accordance with the approved details.

**Reason:** in the interests of protecting bat habitats and to comply with Policy NC7 of the Wirral UDP.

7. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on wild mammals:
  - A pre-commencement check for wild 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; and
  - Appropriate storage of materials to ensure that mammals do not use them.

**Reason:** in the interests of protecting wild mammals and to comply with Policy NC7 of the Wirral UDP.

8. No tree felling, scrub clearance, vegetation management or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

**Reason:** in the interests of protecting birds and to comply with Policy NC7 of the Wirral UDP.

9. 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 protecting birds and to comply with Policy NC7 of the Wirral UDP.

10. The development hereby permitted shall be carried out only in accordance with the recommendations of the Arboricultural Method Statement and the Arboricultural Implications Assessment (both dated 13 May 22 and referenced TRE/AFHRH/Rev D).

**Reason:** in the interests of protecting trees on site and to comply with Policy GR7 of the Wirral UDP.

**Last Comments By:** 19/06/2022 10:01:00  
**Expiry Date:** 24/05/2022

