

Planning Committee

13th October 2022

Reference:

Area Team:

Case Officer:

Ward:

APP/22/01037

DM

Mr B Pratley

Heswall

Location:

Allandale Farr Hall Road

Proposal:

Demolition of an existing building and development of 4no. detached dwellings, with associated hard and soft landscaping.

Applicant:

Mr Mountfield

Agent :

Mrs L Burrow, Condy Lofthouse Architects

Qualifying Petition:

Yes - 128 name petition submitted in opposition to this proposal.

Site Plan:



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Development Plan designation:

Primarily Residential Area, Tree Preservation Area, Definitive footpath (public right of way).

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| Planning History: | <p>APP/19/00592 Change of use from vacant former care home (Use Class C2) to residential dwelling (Use Class C3). Decision: Approved.</p> <p>APP/21/02147 Demolition of an existing building and development of 4no. detached dwellings, with associated hard and soft landscaping. Amended plans received omitting balcony/terrace to Plot 4 and including privacy screens to balconies/terraces to Plots 1-3. Revised information in relation to trees. Decision: Refused</p> |
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| Summary Of Representations and Consultations Received: |
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| 1. Ward Member Comments | Councillor Hodson has made representations on behalf of objectors requesting additional time for comments to be submitted on amended/additional information submitted by the applicant. |
| 2.1 Summary of Representations | <p>Having regard to the Council Guidance on Publicity for Applications 7 notifications were sent to adjoining properties. At the time of writing this report 10 objections have been received (including one from the Heswall Society) and a petition of objection containing 128 signatures. The objections, including those within the petition, can be summarised as:</p> <ul style="list-style-type: none"> • The proposal is not significantly different to the previous application. • 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. |

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| | 1 item of correspondence in support of the application has also been received. |
| 2.2 Summary of Consultations | <p>Tree Officer - No objection subject to the conditions that were also recommended as part of the previous application (attached to the recommendation)</p> <p>Wirral Wildlife - Initially objected to the application on the basis of the removal of an existing black poplar tree. However, this was a result of an error in the documents submitted with the application. An amended Aboricultural Impact Assessment and Aboricultural Method Statement have been submitted by the applicant and forwarded to Wirral Wildlife. Wirral Wildlife maintain an objection based on the loss of other trees as part of this development and the failure to address bio-diversity net gain.</p> <p>The Council's Highways team, MEAS and Welsh Water were consulted on the previous application and had no objection. Given the modest change to the proposal these consultees have not been consulted on this application.</p> |
| 3.1 Site and Surroundings | <p>The application site comprises a large, detached building positioned on a large plot. It is two storeys and is of a traditional design with deep overhanging eaves and sash windows. The sites 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.</p> <p>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.</p> |
| 3.2 Proposed Development | The proposal is for the demolition of an existing building and development of 4no. detached dwellings, with associated hard and soft landscaping. It follows the refusal of a recent planning application on the site (set out in greater detail below). This was refused at Planning Committee on 29 th June 2022. The main change from this refused application is that Plot 1 has been moved a further 3.6 metres to the south east in order to position the dwelling further from protected trees, and the application has been supplemented by a shading study in relation to the level of shading within the garden of Plot 1 from retained trees. |
| 3.3 Development Plan | <p>The following Wirral Unitary Development (UDP) policies are relevant:</p> <p><u>Policy GR5 - Landscaping and New Development</u></p> <p>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:</p> <p>(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;</p> |

(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.

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.

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.

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.

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,

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| | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>The Joint Waste Local Plan for Merseyside and Halton has the following relevant policies:</p> <ul style="list-style-type: none"> • WM8 Waste Prevention and Resource Management; and • WM9 Sustainable Waste Management Design and Layout for New Development |
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| <p>3.4 Other Material Planning Considerations</p> | <p>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).</p> <p><u>Wirral's Supplementary Planning Document 4 (SPD4) – Parking Standards</u> This document sets (among other matters) maximum limits for vehicle parking spaces.</p> <p><u>Wirral Borough Council – Tree, Hedgerow and Woodland Strategy</u> 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.</p> <p><u>Emerging Wirral Local Plan and its status</u></p> |
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| | <p>Wirral Borough Council is in the process of submitting a new local plan for examination.</p> <p>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 were available to be submitted until 25th July 2022.</p> <p>In attaching weight to emerging plans such as Wirral's paragraph 48 of the NPPF is relevant as it states:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> 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)." <p>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.</p> |
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| 3.5 Assessment | |
| 3.6 Principle of Development | In principle the creation of four dwellings in a Primarily Residential Area is considered to be acceptable, subject to the provisions of Wirral UDP Policy HS4, GR5, GR7 and NC7. |
| 3.7 Design | <p>The existing building is an attractive 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.</p> <p>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</p> |

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| | <p>front elevation with a triangular headed window. In terms of their individual detailed design the houses are considered to be of a good quality.</p> <p>Notwithstanding the acceptability of the detailed design of the dwellings, during assessment of the previous application (APP/21/02147), further detail regarding how the proposal for four houses respected the character of the area was requested. 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.</p> <p>The Supplemental Design and Access Statement has been submitted with the present application. It is considered that the applicant has demonstrated that the impact of the proposal on the character of the area will be acceptable and the proposal therefore complies with Wirral UDP Policy HS4.</p> |
| <p>3.8 Highways</p> | <p>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 Engineers 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.</p> |
| <p>3.9 Ecology</p> | <p>Application APP/21/02147 was refused by Planning Committee on 29 June 2022 for the following reasons:</p> <p>1 – The proximity of plot 1 to trees protected by a Tree Preservation Order is likely to result in pressure from future occupiers for the removal or significant pruning of these trees to secure reasonable natural light to rooms and gardens, or to remove perceived dangers to life or property, to the detriment of the health and amenity value of the trees and the wider character of the area. As such, the application is contrary to saved policies GRE1 and GR7 of the Wirral Unitary Development Plan.</p> <p>2 - The proximity of plot 1 to trees protected by a Tree Preservation Order would be likely to result in a poor standard of internal and external amenity at the rear of this dwelling and within the private garden due to the sense of enclosure and shading caused by the proximity and scale of the trees and the extent of their canopies. As such, the application is contrary to saved policy HS4 of the Wirral Unitary Development Plan and paragraph 130 f) and 131 of the National Planning Policy Framework, which seeks to ensure developments create a high standard of amenity for existing and future users of land and buildings.</p> <p>The present application has been submitted in order to overcome these reasons. Plot 1 has been moved a further 3.6 metres to the south east in order to position the dwelling further from the protected trees. The application has been supplemented by a shading study which demonstrates that the level of shading within the garden of Plot 1 caused by the retained trees will not be unreasonable. The Council's Tree Officer has confirmed that they do not object to the principle of the application subject to close aboricultural</p> |

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| | <p>supervision. The Tree Officer does caution that, "four plots leave little room for future growth of the existing mature trees in the NW end of the site, and it is mature trees that provide the most benefits in terms of ecosystem services". Whilst this caution is acknowledged it is considered that the proposed development will not harm retained trees and that the Council would be able to resist the removal of the trees by future occupants. The amenity of future residents of Plot 1, including the level of sunlight enjoyed by the house and garden is also considered to be of an acceptable quality.</p> <p>The proposal will result in the removal of 11 trees, none of which are protected. Three of these are to be removed due to Ash die-back, but the remainder are due to development. However, there are a significant number of mature trees to be retained and they will ensure that the heavily-treed character of the area is largely maintained. Further replacement planting is also proposed. Therefore, on balance, this is considered to be acceptable.</p> <p>With regard to the objection from Wirral Wildlife in relation to the failure to address bio-diversity net gain, this is not a requirement within the Wirral UDP, although it is proposed as a requirement in the emerging local plan. It is therefore considered that this requirement can be afforded only limited weight in the assessment of this application and as such it would not be a sustainable reason for refusal.</p> |
| <p>3.10 Amenity</p> | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> |
| <p>3.11 Other (drainage)</p> | <p>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</p> |

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| | <p>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.</p> <p>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.</p> |
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| <p>Summary of Decision</p> | <p>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:-</p> |
| | <p>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, and will provide acceptable living conditions for future occupiers, including light and outlook. 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.</p> |

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| <p>Recommended Decision:</p> | <p>Conditional Approval</p> |
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| <p>Recommended Conditions and Reasons:</p> <p>1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p> <p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 30 June 2022 and listed as follows: 21-042-110, Rev M, 21-042-111 Rev E, 21-042-112 Rev C, 21-042-113 Rev B, 21-042-120 Rev F, 21-042-123, Rev B, 21-042-121 Rev F, 21-042-122 Rev B, 21-042-151 Rev E, 21-042-150 Rev E, 21-042-152 Rev B and 21-042-153 Rev B.</p> <p>Reason: For the avoidance of doubt and to define the permission.</p> |
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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 brought 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 (dated 10 August 22 and 8 August 2022 respectively and both referenced TRE/AFHRH/Rev G).

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

11. 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.

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

12. Before any above ground construction commences, details of the 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.

13. Prior to first occupation of the dwellings hereby permitted, a full landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of replacement tree planting on site and shall be implemented in full no later than the first planting season following first occupation. Any trees or shrubs dying within 5 years of being planted shall be replaced with an equivalent species no later than the following planting season.

Reason: In the interests of residential amenity and having regards to the Wirral Unitary Development Plan

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| Last Comments By: | 08-August-2022 |
| Expiry Date: | 15-September-2022 |