

Planning Committee	10 <sup>th</sup> November 2022
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/21/02378	DM	Mr P Howson	New Brighton

<b>Location:</b>	114 RAKE LANE, LISCARD, CH45 5DL
<b>Proposal:</b>	Demolish derelict warehouse and offices and construct 3 houses
<b>Applicant:</b>	Mr Traynor
<b>Agent :</b>	Mr Dunn MDA

This application was deferred from Planning Committee (13 October 2022) as there was insufficient time to consider the application. The report has been updated to reflect comments received after the report was initially drafted for the previous committee.

<b>Qualifying Petition</b>	
<p>Summary of objections:</p> <ul style="list-style-type: none"> <li>• Inadequate access</li> <li>• Potential damage to No. 112 Rake Lane</li> <li>• The three storey dwellings are too high (plans since amended)</li> </ul>	No. of Signatures 34

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Vacant Building, 114 Rake Lane, Liscard, Wirral, CH45 5DL  
Application Type: Outline Planning Permission  
Proposal: Demolition of workshop/office premises and erection of 4no. semi-detached dwellings with parking  
Application No: OUT/06/07059  
Decision Date: 10/01/2007  
Decision Type: Refuse

Location: Vacant Building, 114 Rake Lane, Liscard, Wirral, CH45 5DL  
Application Type: Outline Planning Permission  
Proposal: Demolition of workshop/office premises and erection of 4no. semi-detached dwellings with parking (resubmission of OUT/2006/7059)  
Application No: OUT/07/06447  
Decision Date: 27/09/2007  
Decision Type: Refuse - ALLOWED ON APPEAL 20/06/2008

**Summary Of Representations and Consultations Received:**

**1. Ward Member Comments**

No comments received.

**2. Summary of Representations**

**REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications 30 notifications were sent to neighbouring properties and 12 letters of representation were received in relation to the proposal comprising of 2 letters of support and 9 letters of objection and a single comment. A petition of objection containing 34 signatures was also submitted. The summary of all objections received is:

- a. Loss of light
- b. Loss of privacy
- c. Development is of a poor design
- d. Development is too tall
- e. There is bat activity within the building proposed for demolition
- f. Impact on biodiversity
- g. Negative impact on drainage
- h. Inadequate vehicular access
- i. Potential damage to No. 112 Rake Lane

The letter of support states that the site is currently an eyesore and given the state of the site, the sooner it is developed the better.

Amended plans were received by the Local Planning Authority and a re-consultation was conducted. 7 additional objections and 2 comments were received following the re-consultation on the revised scheme. The contents of the objections are similar to those already set out in the report, with the only additional consideration/objection raised being the potential for asbestos in the existing building and the lack of detail of the proposed landscaping. Landscaping details are secured by a condition

**CONSULTATIONS**

Highways Engineer – no objection

Environmental Health – no objection

Wirral Wildlife – no objection

MEAS – no objection

**3.1 Site and Surroundings**

**3.1.1**

The development site forms a backland plot which sits behind the primary frontages of Rake Lane and Withens Lane. The development site and the surrounding land all lies within a Primarily Residential Area. According to the Cheshire Tithe Map, a building has existed within this site since 1898 and was likely constructed around the same time as the frontage development. The building on the site is of brick construction with a pitched slate roof and features later extensions and alterations. The building

	appears to have been vacant for a number of years and is in a poor state of repair.
3.1.2	Rake Lane forms part of the Borough's strategic road network and the frontage forward of the development site features a street level parade of shops with two storeys above. Withens Lane is characterised by late 19 <sup>th</sup> Century residential dwellings.

<b>3.2 Proposed Development</b>	
3.2.1	The development proposal involves the demolition of a large (700 sqm) warehouse and the erection of three dwellings.
3.2.2	The application initially proposed to erect one detached and two semi-detached dwellings which would have been two and a half storeys. Due to concerns over this and following discussions, the applicant has submitted revised drawings which propose a mews style development one and a half storeys in height. It should be noted there was a previous planning application for four dwellings within this site allowed on appeal under (ref: OUT/07/06447), and this is therefore a significant material consideration.

<b>3.3 Development Plan</b>	
3.3.1	The Wirral Unitary Development Plan designates the site as a Primarily Residential Area. The following are the relevant UDP policies: <ul style="list-style-type: none"> <li>• HS4 Criteria for New Housing Development</li> <li>• HS10 Backland Development</li> <li>• GR5 Landscaping and New Development</li> <li>• Requirements for off Street Parking</li> </ul>
3.3.2	The Joint Waste Local Plan for Merseyside and Halton <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>

<b>3.4 Other Material Planning Considerations</b>	
3.4.1	Wirral's Supplementary Planning Document 4: Parking Standards sets (among other matters) maximum limits for vehicle parking spaces.
3.4.2	Wirral's Supplementary Planning Guidance Note 10 Backland Development sets out standards for development proposals which sits behind existing houses.
3.4.3	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

	<p>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>
3.4.4	<p>Paragraph 130 of the revised National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.</p>
3.4.5	<p>Paragraph 21 of the National Design Guide (2021) advises that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:</p> <ul style="list-style-type: none"> <li>• the layout (or masterplan);</li> <li>• the form and scale of buildings;</li> <li>• their appearance;</li> <li>• landscape;</li> <li>• materials; and</li> <li>• their detailing</li> </ul>
3.4.6	<p>Part 2 of the Design Guide sets out the ten characteristics of well-designed places. This includes (but is not limited to) the following;</p> <ul style="list-style-type: none"> <li>• Contextual design which responds positively to the features of the site and the surrounding area beyond its boundary. Paragraph 43 advises well-designed development is integrated into its surroundings and designed around an understanding of the landscape character and existing patterns of built form and architectural styles which should inform the layout, grain, form and scale of development.</li> <li>• Design which responds to local identity and elements of a place that make it distinctive. This includes the height, scale, massing and relationships between buildings, façade design and landscape setting.</li> <li>• Built form which relates well to the site and its context.</li> </ul>
3.4.7	<p><u>The Emerging Local Plan</u></p> <p>The Proposed Submission Draft Local Plan was approved by the Council for publication and submission to the Secretary of State on 21 March 2022 and published for representations on legal compliance and soundness</p>

	<p>from 9 May 2022 until 25 July 2022, in accordance with the approved Local Development Scheme. The Council considers the emerging Plan to be sound.</p> <p>On 26 October 2022 the Council formally submitted the Wirral Local Plan 2021-2037 and its supporting documentation to the Secretary of State for Levelling UP, Housing and Communities for Independent Examination.</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"> <li>• the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>• 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</li> <li>• 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> </li></ul>
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<p><b>3.5 Assessment</b></p>	<p>The main planning issues relevant to this application are:</p> <ul style="list-style-type: none"> <li>• Principle of Development;</li> <li>• Design;</li> <li>• Highways;</li> <li>• Ecology</li> <li>• Residential Amenity</li> </ul>
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<p><b>3.6 Principle of Development</b></p>	
<p>3.6.1</p>	<p>The development proposal involves the demolition of a large (700 sqm) warehouse and the erection of three dwellings. The development site and the surrounding land all lies within a Primarily Residential Area under the current Wirral Unitary Development Plan (UDP). UDP Policy HS4 allows for new residential development within Primarily Residential Areas subject to proposals fulfilling a number of criteria.</p>
	<p>The development site would retain its designation as a Primarily Residential Area under the emerging Wirral Local Plan and would be subject to Policies WS 3.1 and WS 3.2. Policy WS 3.2 advises that there should be a minimum of 60 dwellings per hectare in this location unless this is inappropriate having regard to site characteristics. The proposal is acceptable in principle subject to all other material planning considerations.</p>

<p><b>3.7 Design</b></p>	
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3.7.1	The standards for new housing development are set out under UDP Policy HS4 which includes visual implications. Development proposals should be of a scale that relates well to surrounding property with regard to existing densities and form of development. Proposals should not result in detrimental change in the character of the area.
3.7.2	Policy HS4 requires development proposals to consider other, practical matters such as servicing, access and parking. These matters cannot be considered in isolation as excessive areas of hardstanding and/or poorly located cycle and bin stores can detract from the quality of development and character of the area. Landscaping and boundary treatments should relate proposals to their surrounds. UDP Policy GR5 requires development proposals to be supported by landscaping proposals.
3.7.3	As the development site forms a backland plot Policy HS10 applies. Policy HS10 requires proposals for backland development to not result in detrimental change to the character of the area.
3.7.4	Policy WS 7.1 of the emerging Local Plan sets out a number of principles of design including requiring proposals to be of a density, scale and mass appropriate in context.
3.7.4	The application seeks approval for the demolition of an existing warehouse building and the erection of three dwellings. The development site forms a backland plot which sits behind the primary frontages of Rake Lane and Withens Lane. Backland plots are sites behind existing buildings and are typically used as garden or outdoor amenity spaces containing little more than ancillary buildings such as sheds or other small buildings. Occasionally, backland plots accommodate low-rise industrial or other buildings not associated with residential use, such is the case in this instance.
3.7.5	According to the Cheshire Tithe Maps, the existing warehouse was erected towards the end of the 19 <sup>th</sup> Century and was possibly used as a laundry. The original building is of brick construction and extends across virtually the entire width of the site. The building appears to have been extended across the rear at some point whilst the area of land beyond this, along the boundary with 171 Withens Lane, is overgrown and unkempt.
3.7.6	The proposed dwellings would form a terraced block of three and would be constructed roughly over where the rear segment of the warehouse currently sits. The dwellings are proposed to be one and a half storeys and approximately 7.1 metres to the ridge. According to the submitted drawings, the existing warehouse is 6.8 metres to the ridge. The submitted elevational drawings illustrate how the development would sit in relation to the primary frontages of Rake Lane and Withens Lane. Whilst the proposed dwellings would sit slightly above the ridge of No. 112 Rake Lane, they would clearly be subordinate to Nos. 128 – 118 Rake Lane and Nos. 171 – 191 Withens Lane. Given that the proposed dwellings would be only 0.3 metres greater in height than the existing warehouse and would maintain a subservient relationship to the primary frontage the scale of the proposed dwellings are considered acceptable.
3.7.7	In terms of the design, the proposed dwellings would have a modern mews signature with the upper floor set within the roof. The dwellings would be finished in facing brick. This is an acceptable approach to this backland site and the proposed design is considered to be acceptable. The proposal therefore complies with Wirral UDP Policy HS4 and HS10 and Policy WS 7.1 of the emerging Local Plan.

### 3.8 Highways

3.8.1	As noted, there is a previous planning refusal for four dwellings within the site which was allowed on appeal under OUT/07/06447. The appeal was submitted in outline with matters of layout and access determined. The Inspector concluded that the vehicular access into the site had been in commercial use for many years and that the impacts of four dwellings would not be more materially harmful than the existing use. Whilst this consent has lapsed it was determined under the current Wirral UDP and is thus afforded weight.
3.8.2	Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should give priority first to pedestrian and cycle movement, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places whilst minimising the scope for conflict between different users and allowing for the efficient delivery of goods and emergency access.
3.8.3	Policy WS 7.4 of the emerging Local Plan advises that in areas with alternative modes of transport parking standards can be below standards.
3.8.4	The Highways Engineer has considered the submitted details and advised that the existing access off Rake Lane is adequate and wide enough to allow for two vehicles to pass one another. The proposed use is considered to be less intensive than the established use and there is adequate in-curtilage parking, whilst the proposal is also close to sustainable modes of transport. There are therefore no objections on this basis.
3.8.5	An external cycle store is provided for each of the properties, and a condition has been attached for full details of storage and disposal of waste to be provided prior to first occupation of the dwellings.

<b>3.9 Ecology</b>	
3.9.1	The application was supported by a Daytime Bat Survey & Walkover which has been considered by Wirral Wildlife and Merseyside Environmental Advisory Service (MEAS). The Survey concluded that there was no evidence of bat activity or occupancy and that the building is not suitable for foraging habitat as it is surrounded by development. No evidence of protected species was found during the walkover. The conclusions of the Survey are accepted. Any vegetation removal should be undertaken outside the bird breeding season and the biodiversity of the site is enhanced. The area to the south of the existing building is overgrown with vegetation. It is proposed that this is replaced by a formal landscaping scheme, secured through a condition.

<b>3.10 Amenity</b>	
3.10.1	UDP Policy HS4 requires new residential development to provide adequate individual private or communal garden space to each dwelling. Adequate distances should also be made between habitable rooms in separate dwellings. Policy HS10 also requires backland developments to provide adequate private garden space. Policy WS 7.2 of the emerging Local Plan sets out privacy and amenity standards for new development.



3.10.2	The Supplementary Planning Guidance Note 10 on Backland Development advises that the erection of dwellings should not significantly affect the amenity of surrounding occupiers and that all development should maintain a distance of 21 metres between overlooking windows and 14 metres between windows and two storey blank gables.
3.10.3	The garden area of each dwelling would be approximately 6 metres in depth and 9 metres in width which, in this instance, is considered adequate for children's play and other practical activities such as clothes drying.
3.10.4	The rear boundary of the proposed dwellings would extend virtually across the entire boundary shared with No. 171 Withens Lane and would be set off this boundary by approximately 6.2 metres. Policy HS4 requires an adequate interface to be maintained between facing habitable rooms in separate dwellings and Policy HS10 merely requires backland developments to not prejudice the privacy of adjoining residents. There is no provision within current adopted policy which addresses the above scenario (window to amenity space) and thus a planning judgement must be made whether the distance of 6.2 metres from habitable first-floor windows on the rear elevation of the proposed dwellings to the boundary with this amenity area is acceptable.
3.10.5	The existing warehouse features a rear extension which features office space and a number of windows which are orientated towards the private amenity area of No. 171. Whilst the proposed dwellings would each feature three upper floor windows across the rear elevation (orientated towards No. 171) two of these would serve bathrooms and can be obscurely glazed. Therefore, only three bedroom windows would be orientated towards No. 171. The residential use is arguably of a lower intensity than the established office use, and this distance is therefore considered acceptable in this instance.
3.10.6	Additionally, significant weight has also been given in the consideration of whether this is a sufficient distance to the clear benefits to the residential amenity of surrounding properties through the removal of an existing non-conforming use within a residential area. Whilst the premises is currently vacant, it does nevertheless retain an established industrial use, which is not restricted by planning conditions and could potentially be brought back into use without requiring any form of planning permission. The removal of this use is therefore a significant amenity benefit which weighs in favour of the proposed development.

<b>Summary of Decision</b>	Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-
	The proposed development is acceptable in principle and would not adversely affect the character and appearance of the area or the amenity of surrounding occupiers. There would be no adverse impact upon the adopted highway and the Engineer has raised no objection to the proposal. Whilst the proposal would result in the loss of trees there would be a net gain through compensatory tree planting at the expense of the applicant. The proposal would comply with UDP Policies HS4, HS10, GR5, GR7, TR9, the National Planning Policy Framework and Policies WS 3.1, WS 3.2., WS 7.1, WS 7.2, WS 7.4 of the emerging Local Plan and is recommended for approval.

**Recommended Decision:**

Conditional Approval

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall begin not later than [3] years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 16 December 2021 & 16 August 2022 and listed as follows: 612/01, 612/03, 612/04, 612/101, 612/102, 612/103, 612/104, 612/105 and Location Plan

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

3. No development involving the use of any facing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

**Reason:** To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area

4. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS 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 policies WM8 and WM9 of the Waste Local Plan

5. A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To improve the appearance of the development and its contribution to biodiversity and the local environment

6. No vegetation management 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 and vegetation are to be checked first by an appropriately experienced ecologist to

ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval

**Reason:** To protect birds during their breeding season

7. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Wirral Unitary Development Plan

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or additions to the roof of the dwellings hereby approved [other than those expressly authorised by this permission] shall be formed or constructed.

**Reason:** To protect the appearance of the property and to protect the environment of people in neighbouring properties

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages or other buildings incidental to the enjoyment of the dwellings hereby approved shall be erected other than those expressly authorised by this permission.

**Reason:** To protect the appearance of the property and to protect the amenity of prospective occupiers by ensuring an adequate amenity area is retained

10. The dwellings hereby permitted shall not be occupied until the bathroom windows at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter

**Reason:** To protect the appearance of the property and to protect the environment of people in neighbouring properties

11. The following Reasonable Avoidance Measures (RAMs) shall be undertaken during the construction phase:

1. Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any mammals to move away from the affected areas;
2. 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 mammals from seeking shelter or protection within them; and
3. Any open excavations (e.g. foundations / footings / service trenches etc) should have a means of escape
4. Exposed open pipe systems should be capped to prevent mammals from gaining access

**Reason:** To protect amphibians/mammals during construction and to comply with Policy NC7 (Species Protection) in the Wirral Unitary Development Plan

12. 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:** To improve the developments contribution to biodiversity and the local environment

<b>Last Comments By:</b>	20-September-2022 (Re-consultation)
<b>Expiry Date:</b>	07-February-2022