

Reference:
APP/18/01284

Area Team:
**Development
Management Team**

Case Officer:
Mr P Howson

Ward:
**Moreton West and
Saughall Massie**

Location: William Dodd Builders Merchant, BERMUDA ROAD, MORETON, CH46 6AT
Proposal: Erection of 15no. dwellings (11no. two bedroom and 4no. three bedroom) with associated hard/soft landscaping and alterations to access, following demolition of existing buildings (Revised Plans).

Applicant: Mr McNicholas
Agent: N/A

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area
Urban Greenspace

Planning History:

- Location: William Dodd, Bermuda Road, Moreton. L46 6AT
Application Type: Full Planning Permission
Proposal: Erection of canteen with toilet block.
Application No: APP/91/05135
Decision Date: 09/04/1991
Decision Type: Approve
- Location: William Dodd, Bermuda Road, Moreton. L46 6AT
Application Type: Full Planning Permission
Proposal: Widening of access to applicants' premises from Bermuda Road.
Application No: APP/94/06117
Decision Date: 14/09/1994
Decision Type: Approve
- Location: William Dodd, Bermuda Road, Moreton. L46 6AT
Application Type: Full Planning Permission
Proposal: Retention of use of land for open storage of Builders Materials.
Application No: APP/95/05622
Decision Date: 07/07/1995
Decision Type: Refuse
- Location: William Dodd, Bermuda Road, Moreton. L46 6AT
Application Type: Full Planning Permission
Proposal: Erection of a portal frame building.
Application No: APP/96/05021
Decision Date: 16/04/1996
Decision Type: Withdrawn
- Location: William Dodd, Bermuda Road, Moreton. L46 6AT
Application Type: Full Planning Permission
Proposal: Erection of a portal frame building, palisade fencing and use of part of site as a display area.
Application No: APP/96/06633
Decision Date: 13/12/1996
Decision Type: Approve
- Location: William Dodd, Builders Merchant, Bermuda Road, Moreton, Wirral, CH46 6AT,
Application Type: Full Planning Permission
Proposal: Retention and erection of pallet racking to side and front of builder's yard.
Application No: APP/99/07054
Decision Date: 31/03/2000
Decision Type: Refuse
- Location: William Dodd, Builders Merchant, Bermuda Road, Moreton, Wirral, CH46 6AT,
Application Type: Full Planning Permission
Proposal: Reduction in height of existing pallet racking and erection of additional pallet racking to side of building and to side and front of builder's yard.
Application No: APP/00/05735
Decision Date: 16/06/2000
Decision Type: Approve

Summary of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 No Ward Member comments

2.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 37 notifications were sent to neighbouring properties and a Site Notice displayed. At the time of writing 17 letters of representation have been received comprising of 1 comment, 15 objections and 1 letter of support. The objections can be summarised as follows:

- a) Traffic
- b) The layout and its impact upon the character of the area
- c) Overlooking
- d) Impact upon wildlife
- e) Flooding

CONSULTATIONS

Environment Agency – no objection subject to conditions

Lead Local Flood Authority – no objection subject to conditions

United Utilities – no objection

Housing Strategy – advise that an independent viability assessment is carried out

Environmental Health – no objection

Merseyside Fire & Rescue Service – no objection

Highways – no objection

3.1 Reason for referral to Planning Committee

3.1.1 15 individual objections have also been received in connection with these proposals.

3.2 Site and Surroundings

3.2.1 The proposed development site is a building merchants' yard which sits within a Primarily Residential Area as designated under the current Development Plan. A large utilitarian structure sits within the site behind a deep area of hardstanding used for the storage of materials and vehicle parking.

3.2.2 Bermuda Road runs off Hoylake Road which forms part of the Borough's primary road network. The lower part of Bermuda Road is characterised by a mix of boundary treatments which define the curtilage of the application site and the rear gardens of the dwellings which front out onto Ely Avenue and back onto Bermuda Road.

3.3 Proposed Development

3.3.1 The application proposes to demolish the existing buildings and to erect fifteen dwellings with the associated hard and soft landscaping works.

3.4 Development Plan

3.4.1 The Wirral Unitary Development Plan 2000

- HS4 Criteria for New Housing Development
- HSG2 Affordable Housing

- GR5 Landscaping and New Development
- TR9 Requirements for Off Street Parking
- WA1 Development and Flood Risk
- WA2 Development and Land Drainage
- WA4 Safeguarding Water Resources
- WA5 Protecting Surface Waters

3.5 Other Material Planning Considerations

3.5.1 The Joint Waste Local Plan for Merseyside and Halton

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

3.5.2 The National Planning Policy Framework (2019)

- Achieving sustainable development
- Decision-making
- Making effective use of land
- Achieving well-designed place
- Meeting the challenge of climate change, flooding and coastal change

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 UDP Policy HS4 permits new residential development within Primarily Residential Areas subject to proposals fulfilling its criteria.

3.8 Design:

3.8.1 The standards for new residential development are set out under Policy HS4 of the Wirral Unitary Development Plan 2000. Proposals should be of a scale with regard to existing densities and form of development and not result in detrimental change in the character of the area. Appropriate landscaping and boundary which relates the proposed development to its surroundings should be incorporated into development proposals.

3.8.2 Paragraph 127 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.

3.8.3 Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.8.4 Bermuda Road runs off Hoylake Road (to the south) which forms part of the Borough's primary road network and affords access to the surrounding residential streets. The lower

part of Bermuda Road (towards the junction with Hoylake Road) is characterised by the

3.8.5 Bermuda Road runs off Hoylake Road (to the south) which forms part of the Borough's primary road network and affords access to the surrounding residential streets. The lower part of Bermuda Road (towards the junction with Hoylake Road) is characterised by the palisade fencing which defines the proposed development site and the individual boundary treatments of the residences which front out onto Ely Avenue. The upper part of Bermuda Road (north towards the junction with Edgehill Road) is characterised by a jumble of bungalows and two storey dwellings.

3.8.6 Residential plots 12 to 14 would be most easily read from Bermuda Road, however these would be set behind the existing boundary wall. Whilst the main face of this building would be orientated to the south (towards the entrance into the site) there would be secondary frontages including out onto Bermuda Road which is acceptable. The other dwellings within the site would be variants on traditional residences and the redevelopment of the site into residential use is considered to be on the whole befitting of the area.

3.9 Highways:

3.9.1 The requirements for off-street vehicle and cycle parking are set out as maximums under Policies TR9 and TR12 of the UDP and the accompanying Supplementary Planning Document on Parking Standards.

3.9.2 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.

3.9.3 The applicant submitted a revised plan which raised no objection from the Highways Engineer. The Engineer advises that double yellow lines are required at the junction into the site and works to the footway the costs of which will be borne by the applicant.

3.10 Flood Risk:

3.10.1 Paragraph 165 of the National Planning Policy Framework (NPPF) requires major developments to incorporate sustainable drainage systems. Said systems should take account of advice from the Lead Local Flood Authority (LLFA).

3.10.2 The LLFA have raised no objection subject to conditions.

3.11 Amenity:

3.11.1 Policy HS4 requires new residential developments to provide adequate interfaces between separate dwellings. Adequate private garden space should be provided for each dwelling. Paragraph 127 of the revised National Planning Policy Framework states that planning decisions should create places that provide a high standard of amenity for existing and future users.

3.11.2 The proposed development would provide adequate garden areas for children's play and other practical activities such as clothes drying. Adequate interface distances would be maintained between opposing dwellings.

3.12 Other:

3.12.1 At the time of writing 17 letters of representation have been received comprising of 1 comment, 15 objections and 1 letter of support. The objections can be summarised as follows:

- a) Traffic
- b) The layout and its impact upon the character of the area

- c) Overlooking
- d) Impact upon wildlife
- e) Flooding

The application proposes to redevelop an existing builders' merchant which currently generates commercial traffic. The Highways Engineer has raised no objection to the proposal.

The majority of Bermuda Road is characterised by frontage dwellings. There is no prescribed architectural style. It is accepted that the proposed layout is not entirely reflective of the character of Bermuda Road, however a residential use is considered more befitting of a residential area than the existing builder's merchant.

The proposal would meet the Council's interface distances.

The development site is a commercial builder's merchant and there are no features within the site which would provide habitat. According to the submitted plans, the trees and shrubberies around the site sit outside of the curtilage of the development site. The Local Planning Authority is satisfied that the proposed development would not have an adverse impact upon wildlife.

The majority of concerns around flooding also appear to relate to a boundary dispute which is not a material planning consideration. The LLFA have raised no objection to the proposal.

- 3.12.2 The application proposes fifteen dwelling houses and is therefore subject to a 20% affordable housing contribution. The applicant has provided viability report which indicates that it is financially unviable to provide affordable housing. The Local Planning Authority has had this independently assessed and it has been concluded that the development is unable to support any affordable housing.

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 development site and surrounding land lies within a Primarily Residential Area. The redevelopment of the site into a residential use is acceptable in principle and would not adversely affect the character of the area. In this respect, the proposal would accord with UDP Policy HS4 and the National Planning Policy Framework. The proposal would meet the Local Planning Authority's interface standards and would provide an adequate standard of amenity for prospective occupiers. The Highways Engineer has raised no objection neither has the Environment Agency or the Lead Local Flood Authority and the proposal is considered to accord with UDP Policies TR9, WA1, WA2, WA4 and WA5 and the principles of the Framework and is hereby recommended for approval.

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 (insert date) and listed as follows:
PPA/WD/18/SL.01-A, PPA/WD/SECT.01-B, PPA/WD/18/S.01-C, WCGeo 17-958,
PPA/WD/18/HT.01-A, PPA/WD/18/HT.02-A, PPA/WD/18/HT.03-A, PPA/WD/18/HT.04,
PPA/WD/L.01

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

3. Notwithstanding the submitted details, prior to any development above ground level approval of the following details shall be obtained from the local planning authority
 - i. Samples or details of all facing materials

The stated details shall be approved in writing and such approved details shall be implemented in the development hereby approved in full.

Reason: These details are not included in the application and the Council wishes to ensure that they are satisfactory in the interests of visual, residential and environmental amenity

4. Notwithstanding the submitted plans, full details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure a satisfactory appearance to the development, having regard to UDP Policy HS4

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 features such as bat and 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of species protection and visual amenity and the character of the area and to ensure a satisfactory environment having regard to Policy GR5 of the Wirral UDP

6. Before development commences, a Site Waste Management Plan, confirming how demolition and construction waste will be recovered in relation to this phase 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 Waste Local Plan

7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (CC Geotechnical Limited, CCG-C-18-10391, August 2018) and the following mitigation measures detailed within the FRA:

- The finished floor levels are to be constructed as per "Site layout as proposed" - PPA/WD/18/S.01 revision A.
- The reduced rate of surface water discharge from the development to 60.57 l/s should occur.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

8. No residential development shall commence until the **final detailed sustainable drainage design**¹, for the management and disposal of surface water from the site, following the national drainage hierarchy and based on the principles and details identified in the following documents has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Flood Risk Assessment Report for William Dodd Limited (August 2018/CCG-C-18-10391/ rev: 1/ CC Geotechnical Limited)
- Drainage Layout Plan (April 2019/ P19-00219-M2-C-002/ Issue 2/ Met Engineers)

The surface water discharge rate for the site shall be limited to 10 l/s

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems.

9. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details, maintenance and adoption arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems

10. Prior to the commencement of development, a survey of existing and proposed ground levels, sections across the site and details of the finished slab level for each property shall be submitted to and agreed in writing by the Local Planning Authority. The ground levels

across the site and finished slab levels for each property shall be as per the approved plans.

Reason: In the interests of privacy and amenity of neighbouring occupiers and to ensure that the development complies with Policy HS4 of the Wirral Unitary Development Plan

11. PRIOR TO FIRST OCCUPATION of the dwellings hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the curtilage of each dwelling, 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 regards to Policies WM8 and WM9 of the Waste Local Plan.

Further Notes for Committee:

1. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Arrowe Brook, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted.

Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

2. **Maintenance of SuDS**

The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development.

It is the advice of the LLFA that the maintenance arrangements capable of **ensuring** an acceptable standard of operation for the lifetime of the development, to satisfy paragraph 165 of the NPPF, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance/replacement of all communal components of the system as per the approved Operation and Maintenance Plan.

The proposed drainage strategy includes some communal storage components that will NOT be adopted by United Utilities. The LPA should be satisfied that maintenance of all communal components has been secured in perpetuity via an appropriate mechanism / agreement.

3. **1 Terms of Condition 8**

Final Sustainable Drainage Strategy to be in accordance with the national drainage hierarchy, DEFRA's Technical Standards for Sustainable Drainage Systems and the SuDS Manual and include:

- Designer's statement summarising the FRA and how it applies to the design, including the impact of climate change on the river level and outfalls and assessing the impact of concurrent events (storm event when river levels are already high). Justification of final design should be including results of infiltration test results to BRE 365
- Drawings to include:
 - Final layout of roads and properties including plot numbers, finished floor levels and boundaries and route of existing land drain plotted

- Final layout of sewers; outfalls; SuDS; flow controls and overland flow paths for exceedance events. Any aboveground storage areas should be hatched with depths indicated.
 - Longitudinal sections showing existing and proposed ground levels, invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations
 - Hydraulic modelling for final drainage strategy to include:
 - Pipe network design
 - System performance for following return periods; 1, 2, 30, 100 plus appropriate climate change allowance
 - Design criteria summary, Full network details table, Contributing area summary, Control/storage structure details, Results summary print outs
 - Volumetric runoff co-efficient (Cv) should be set to '1'
 - Rainfall model should preferably be FEH for robustness
 - Sensitivity checking for climate change at 40% if lower allowance used
 - Modelling for submerged outfall conditions
 - Maintenance statement explaining who will own the SuDS and how maintenance and replacement will be funded over the lifetime of the development.
 - Evidence that means of access for maintenance and easements, permissions and consents for crossing third party land and discharge in perpetuity, where applicable, has been secured and that any works affecting the Arrowe Brook have the permission of the Environment Agency.
 - Evidence of working with United Utilities for adoption of the SuDS system upon completion.
 - Construction phase surface water management plan for each construction phase.
4. You are advised that any highway works required as part of the development will require the applicant/developer to enter into a legal agreement with the Highway Authority to secure the works under the New Roads and Street Works Act. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details.
5. The Fire Authority advises the following;
- a) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.
 - b) Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.

Housing

* The premises should comply with Section 55 of the County of Merseyside Act 1980

Last Comments By: 14/03/2019
Expiry Date: 23/01/2019