



## Planning Committee

<b>Date:</b>	<b>Wednesday, 19 April 2023</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Katy Brown  
**Tel:** 0151 691 8543  
**e-mail:** katherinebrown@wirral.gov.uk  
**Website:** <http://www.wirral.gov.uk>

Please note that public seating is limited, therefore members of the public are encouraged to arrive in good time.

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This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

## SUPPLEMENTARY AGENDA

- 5. APP/22/01656: LAND ADJACENT TO OAK COTTAGE NOCTORUM ROAD, NOCTORUM, PRENTON, WIRRAL, CH43 9UQ, THE ERECTION OF A SEMI-DETACHED VILLA ON LAND ADJACENT TO OAK COTTAGE, WITH ASSOCIATED PARKING PROVISION AND ACCESS (2NO. DWELLINGS). (Pages 1 - 18)**

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# Agenda Item 5

Planning Committee	April 19th 2023
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/22/01656	DM	Mrs S Lacey	Claughton

<b>Location:</b>	Land adjacent to Oak Cottage Noctorum Road, Noctorum, Prenton, Wirral, CH43 9UQ
<b>Proposal:</b>	The erection of a semi-detached villa on land adjacent to Oak Cottage, with associated parking provision and access (2no. dwellings).
<b>Applicant:</b>	Michael Traynor
<b>Agent :</b>	Paddock Johnson Paddock Johnson Architects

<b>Qualifying Petition</b>	Yes
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<b>Reason Deferred From Planning Committee</b>	The item was deferred at 16 March Planning Committee to allow neighbours further opportunity to comment on amendments to the scheme.
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**Site Plan:**



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<b>Development Plan designation:</b>	Primarily Residential Area Density and Design Guidelines Area Tree Preservation Order
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<b>Planning History:</b>	<table border="1"> <tr> <td>Location:</td> <td>Land adj Oak Cottage Noctorum Road Noctorum</td> </tr> </table>	Location:	Land adj Oak Cottage Noctorum Road Noctorum
Location:	Land adj Oak Cottage Noctorum Road Noctorum		

	Application Type: Full Planning Permission
	Proposal: The erection of 2 no. detached dwellings on land adjacent to Oak Cottage, with associated garages, parking provisions and a new access road.
	Application No: APP/22/00500
	Decision Date: 18/08/2022
	Decision Type: Refuse
	Location: Land adjacent to Oak Cottage, ST DAVIDS LANE, NOCTORUM, CH43 9UD
	Application Type: Outline Planning Permission
	Proposal: Outline planning application for the erection of a detached dwelling. All matters reserved except for access.
	Application No: OUT/17/01551
	Decision Date: 19/04/2018
	Decision Type: Approve
	Location: S Oak Cott Noctorum Road Noctorum L439uq
	Application Type: Full Planning Permission
	Proposal: Erection of two detached dwelling houses on land adjacent to 'Oak cottage'
	Application No: APP/77/06945
	Decision Date: 26/05/1977
	Decision Type: Refuse

**Summary Of Representations and Consultations Received:**

**1. Ward Member Comments**

The application was called in by Councillor Wood for committee determination for the reason that the proposal contravenes density guidelines for the area and will be detrimental to the local amenity.

**2. Summary of Representations**

**REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications, 3 letters of notification were sent to neighbouring properties and a site notice was displayed on the highway on 15<sup>th</sup> November 2022. 24 letters of objection were received citing the following concerns:

	<ol style="list-style-type: none"> <li>1. Density and scale result in an overdevelopment of the site, contrary to the density guidelines for Noctorum Ridge and out of character</li> <li>2. Loss of trees;</li> <li>3. The design is trying to look like a period house;</li> <li>4. Highway safety concerns and inadequate parking provision resulting in cars parking on narrow highway with limited visibility and risk to pedestrians, cyclists, and drivers;</li> <li>5. There may be an air raid shelter on the site which has never been developed;</li> <li>6. Ecological impacts – nesting birds, bats, owls, foxes;</li> <li>7. There may be an intention to build apartments rather than single dwellings;</li> <li>8. Not a brownfield site;</li> <li>9. The illustrative street view is not an accurate representation of the position of the neighbouring garage;</li> <li>10. The Arboricultural Impact Assessment and Planting Plan both refer to the previous application for two houses.</li> <li>11. Misleading information: the description of the development refers to the erection of a semi-detached villa, it should be made clear that the application is for the erection of two dwellings, and reference to Plot 4;</li> <li>12. The existing trees are likely to significantly reduce the natural light the proposed development would receive, potentially resulting in subsequent applications to fell the trees for amenity reasons;</li> <li>13. Lack of storage facilities;</li> <li>14. The revised plans were not available on the Council website until 13 March. The neighbours have not been able to comment on the amendments for a reasonable period of time prior to the preparation of the Committee report, which would then enable the inclusion of all comments in the report;</li> <li>15. Neighbours have not been able to comment if the amendments are substantially similar. Presumably the amendments were submitted to address concerns that would, otherwise, have led to a recommendation for refusal – that would appear to make them ‘significant’.</li> </ol> <p>In addition, a qualifying petition of 96 signatures has been received which raises the following objections:</p> <ol style="list-style-type: none"> <li>1. Exceeds the density in Policy HS5</li> <li>2. Is a risk to mature protected trees</li> <li>3. Inadequate and impractical parking provision</li> </ol>
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	<p><b><u>CONSULTATIONS</u></b></p> <p>Traffic &amp; Transportation - no objection subject to the standard vehicle access informative.</p> <p>Highway Asset – no objection subject to CMP and informative</p> <p>MEAS – no objection subject to conditions</p> <p>Trees – no objection subject to conditions</p>
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<p><b>3.1 Site and Surroundings</b></p>	<p>The site comprises a piece of grassed, undeveloped land with mature trees to the boundaries. The site is designated Primarily Residential Area</p>
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and is in the Density and Design Guidelines Area. The surrounding area is characterised by large, detached dwellings of mixed design on spacious plots. There are open playing fields opposite the site. Overall, the area has a spacious and rural character (fig.1).

In this part of Noctorum Ridge, development is subject to restriction under saved UDP policy HS5, which permits new 'low rise' housing at a maximum density of 10 dwellings per hectare. The justification for this is to maintain the area's prevailing character which comprised of large detached houses with extensive gardens. This low density of development coupled with an abundance of mature trees and shrubs gives the area a considerable environmental quality.

**3.11 Fig.1:  
Streetscene Photos**



**3.2 Proposed  
Development**

The application proposes the erection of a semi-detached villa (2no. dwellings) on land adjacent to Oak Cottage, with associated parking provisions and access.

**3.3 Development Plan**

Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

At the current time the statutory development plan for the area comprises saved policies of the Wirral Unitary Development Plan (UDP) (2000) and policies of the Merseyside and Halton Joint Waste Plan (2013). The UDP designates the site as a Primarily Residential Area. The following policies in the UDP are relevant to this planning application:

Policy HS4 of the UDP requires new housing developments to be of a scale and form which relates well to surrounding properties, in particular with regard to existing densities and form of development, and does not result in a detrimental change in the character of the area, to make

satisfactory provision for off street parking and access and to provide appropriate boundary treatment and landscaping.

Policy HS5 Density and Design Guidelines Noctorum Ridge sets out all new development should be compatible with the character of existing properties in the neighbourhood and sympathetic in design. The site falls within Zone 1 which sets out a maximum density of 10 dwellings per hectare.

The justification for this policy states that *"many of the Borough's older established residential areas have a special character derived from their architecture and extensive mature gardens. These areas are attractive to residents and there is always pressure for new dwellings through both infill and redevelopment... New development therefore offers a challenge to their existing character which can be addressed by specific controls on the density of new development. The guidelines set out in Policy HS5 are long established and have been successful in controlling new and converted housing, by retaining the best property as far as possible and by preserving the spaces between buildings.*

*The Noctorum Ridge extends for 2.5 kilometres from Bidston Hill in the north to Woodchurch Road in the south and for 2 kilometres from Ford Hill in the west to Slatey Road in the east. It includes a number of different areas of mature housing, ranging from the large detached houses around the Wirral Ladies Golf Course to the densely developed Victorian housing around Oxton Village.*

*However, the pressure for development on the Ridge, which is one of Birkenhead's most popular housing areas, has led to a threat to its character. The Council's response has been to divide the area into a number of separate zones of differing character and capacity for varied development. This diverse area provides for a full range of housing needs, from converted flats for small households in the east of the area, to large high-quality family housing in the west.*

*Zone 1 is comprised of large detached houses with extensive gardens. The abundance of mature trees and shrubs together with the low density of development create an area of considerable environmental quality."*

Policies GR5 and GR7 aim to retain existing landscaped features that make a positive contribution to the area, whilst supporting and enhancing this with appropriate new landscaping. GR7 governs the Council's approach to trees and new development and notes that the authority will seek to substantially preserve the wooded character of a site or surrounding area; provide for the protection of trees of greatest visual or wildlife value and other vigorous healthy trees; ensure that trees to be retained have adequate space in order to prevent damage to their canopy or root structures; prevent the removal of trees by occupiers to obtain sunlight or remove perceived danger to life and property; and protect trees on adjacent land which may be affected by the development proposed.

NC7 Species Protection ensures development will not have an adverse effect on wildlife species protected by law through appropriate conditions.

NC2 Sites of International Importance for Nature Conservation is relevant as the site is near to European sites Mersey Narrows and North Wirral Foreshore Special Protection Area (SPA) (4.2km), Mersey Narrows and North Wirral Foreshore Ramsar site (4.2km), Dee Estuary Special Area of

	<p>Conservation (SAC) (4.2km), Mersey Estuary SPA (4.5km), Mersey Estuary Ramsar site (4.5km) protected under the Conservation of Habitats &amp; Species Regulations 2017 (as amended).</p> <p>The following policies from the Joint Waste Local Plan for Merseyside and Halton are also applicable:</p> <p>Policy WM8 requires development to incorporate measures for achieving efficient use of resources, and Policy WM9 also requires development to provide measures for waste collection and recycling</p>
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<p><b>3.4 Other Material Planning Considerations</b></p>	<p><u>Supplementary Planning Guidance 2 (SPG2) Density and Control Guidelines</u></p> <p>Zone 1 is comprised of large detached houses with extensive gardens. The abundance of mature trees and shrubs together with low density development creates an area of considerable environmental quality. To conserve this character only limited infilling will be allowed.</p> <p>To retain environmental quality applications should take account of existing trees and should be a maximum of 10 dwellings per hectare.</p> <p><u>The National Planning Policy Framework (July 2021)</u></p> <p>The updated National Planning Policy Framework (NPPF) supports well designed sustainable development which promotes the choice of high quality homes and takes the opportunities to improve the quality and character of the area.</p> <p>The NPPF seeks to make the most efficient use of land and notes that where there is an existing or anticipated shortage of land for meeting identified housing needs it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site (paragraph 123). The NPPF does recognise that the desirability of maintaining an area's prevailing character and setting should be taken into account, as well as the importance of securing well designed, attractive and healthy places (paragraph 122).</p> <p>Section 12 seeks to achieve well designed places. In particular, paragraph 130 advises planning authorities that developments should: function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users, amongst other matters. 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, taking into account any local design standards or style guides in plans or supplementary planning documents should be refused.</p>
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The National Design Guide came into force on 01 October 2019 and of the ten characteristics of well-designed places, the sections on Context, Identity and Built Form are of most relevance to this proposal.

### The Emerging Wirral Local Plan

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 (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 Local Plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The Local Plan and supporting evidence base can be viewed online at [www.wirral.gov.uk/lpexam](http://www.wirral.gov.uk/lpexam)

As the Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:

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

the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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

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).”

Noctorum falls within Suburban Birkenhead Settlement Area 3. One priority for Suburban Birkenhead is to maintain and enhance the quality and character of the older residential areas, particularly along the Noctorum Ridge, including their woodland setting and the landscape character of Bidston Hill and the Wirral Golf Course, through land allocations and other plan policies including WS 5 Strategy for Green and Blue Infrastructure, Open Space, Biodiversity and Landscape Protection (para. 5.23).

UDP policy HS4 and HS5 will be replaced by policy WS3, WS6 and WS7 in the Local Plan. Emerging Policy WS3.2 Housing Density of the Local Plan looks to achieve efficient use of land having regard to the prevailing character of the area. New residential development within the Suburban Area Density Zones (RES-DZ4) should provide a minimum density of 40 dwellings per hectare unless it can be demonstrated that this is not appropriate having regard to site characteristics.

Emerging Policy WD1 Landscaping of the Local Plan sets out development proposals will be required to demonstrate, how suitable landscaping has been used to contribute positively to visual amenity and

	<p>successfully integrate the development within the landscape character and local distinctiveness of the area including its heritage. The natural regeneration of suitable plant species on site will be encouraged.</p> <p><u>Wirral Tree Strategy (May 2020)</u></p> <p>Wirral's Tree, Hedgerow and Woodland Strategy 2020-2030 sets out better ways of managing and increasing trees and hedgerows, in line with the recommendations of the UK Committee on Climate Change. Paragraph 3.4 sets out replacement planting in order to help achieve Wirral's tree canopy cover target by 2050. Ideally trees will generally be replaced in the same location but in some circumstances a nearby location may be more appropriate.</p>
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<p><b>3.5 Assessment</b></p>	<p>The main issues pertinent in the assessment of the proposal are the principle of development, densities and the character of the area, design, highway safety and the harm to residents' amenity.</p>
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<p><b>3.6 Principle of Development</b></p>	<p>The site is designated a Primarily Residential Area where the principle of constructing new housing is accepted, and it has been established on this site through the grant in 2018 of outline planning permission for one detached dwelling.</p> <p>A previous planning application (APP/22/00500) for two detached dwellings on the site was refused for the following reasons:</p> <ol style="list-style-type: none"> <li>1 The loss of this previously undeveloped site for a residential development, particularly one of the proposed scale and that is of a higher density than the prevailing character of the area, would have a clear adverse impact on the character of this area and therefore conflicts with Wirral Unitary Development Plan Policy HS4 and HS5 and the National Planning Policy Framework and SPG2.</li> <li>2 The proposal is considered to harm the amenity of the neighbouring properties, specifically the proposed first and second floor balconies and the scale and proximity of plot 2 adjacent to Oak Cottage, and therefore conflicts with Wirral Unitary Development Plan Policy HS4 and the National Planning Policy Framework.</li> </ol>
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Fig.2: Refused planning permission APP/22/00500 for two detached dwellings.

The applicant sets out the land is brownfield site, which the neighbours contend. Notwithstanding this, the outline permission granted for 1no. dwelling in 2018 (OUT/17/01551) considered the principle of infill housing on this residential street in a Primarily Residential Area acceptable. As the site is not formally designated as a Local Green Space there are no policies in the NPPF that protect areas or assets of particular importance, and which provide a clear reason for refusing the development.

**3.7 Density and Design**

Planning application APP/22/00500 for the construction of two large detached dwellings was refused would not maintain the prevailing spacious character of the area contrary to Policy HS4 of the UDP which requires new housing developments be of a scale and form which relates well to surrounding properties, in particular with regard to existing densities and form of development, The proposal for 2 detached dwellings did not allow enough spacing between dwellings to ensure the proposal integrates successfully with the wider spacing of dwellings to Nocturn Road, and was considered contrary to policy HS4.

The application has been resubmitted for the same number of dwellings (2no.) but the development has been redesigned to have the appearance of a single property, centrally positioned within the plot, with one shared driveway, and one front door facing the highway.

Policy HS5 of the UDP and SPG2 sets out a maximum density of 10 dwellings per hectare, which the proposal still exceeds. By contrast the NPPF and the emerging Local Plan seeks to ensure that Local Planning Authorities are making efficient use of land by avoiding homes being built at low densities. This does however need to be weighed against the desirability of maintaining an area's prevailing character and setting.

When policies conflict, weight must be given to the stage of preparation of the emerging plan and the degree of consistency of the relevant policies to the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given). Consideration must be had as to whether any adverse impacts of granting permission would

	<p>significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.</p> <p>The amended design allows the property to be centrally positioned within the plot, maintaining the spacious existing pattern of built form within the streetscene and the wider area. The proposal relates to the scale and form of surrounding properties, and complies with policy HS4 of the UDP and paragraph 130 of the NPPF.</p> <p>Whilst it is acknowledged the proposal exceeds the maximum density of 10 dwellings per hectare set out in policy HS5 of the UDP and SPG2, it is a material consideration that (unlike the previous refused application) the design of the proposal will maintain the spacious existing pattern of built form and protect the area's prevailing character and complies with policy HS4 of the UDP, the NPPF and policy WS3.2 of the emerging Local Plan.</p> <p>The design of the dwellings is considered acceptable. Amended plans were requested removing the prominent car port sited forward of the principal elevation. The scale, appearance, details and materials of new development makes a positive contribution to local distinctiveness. The area is characterised by mixed design properties, and the Arts and Crafts design is considered appropriate in this location. The mixed palate of materials creates an interesting elevation, which can be conditioned to ensure a high quality finish. The property is set back 15m from the highway and partially screened by mature trees and vegetation. The ridge height is comparable with the surrounding properties, measuring 9.5m in height adjacent to Oak Cottage and 11.3m adjacent to Green Eaves, with spacious separation distances to the side boundaries preventing the proposal appearing overbearing to the neighbouring properties.</p> <p>The proposal is of a scale, design and density that integrates and maintains the area's prevailing character and setting, and complies with policy HS4 of the UDP, the NPPF and policy WS3.2 of the emerging Local Plan.</p>
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<p><b>3.8 Highways</b></p>	<p>Traffic and Transportation were consulted and had no objection to the proposal. The proposals are all contained within a private boundary and do not impact on the adopted highway to any great extent. The level of proposed on-site car parking is in accordance with the Supplementary Planning Document - SPD4) parking standards (SPD4). The proposals include a new vehicle accesses onto Noctorum Road, this will require prior approval from Wirral Highways and appropriate traffic management agreed. It's unlikely that the proposals for the dwelling will generate a significant level of traffic and it is therefore considered to have no material impact on the highway, as such there are no objections to the proposal. The necessary changes to the Noctorum Road footway to install the new vehicle access will require the prior approval from Wirral Highways. Highway Asset requested a Construction Management Plan which is not deemed necessary for this development and can be controlled be other primary legislation. There are no highway implications relating to this proposal.</p>
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<p><b>3.9 Ecology</b></p>	<p><u>Phase 1 Habit Survey Report</u></p>
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The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and UDP policy NC2 applies:

- Mersey Narrows and North Wirral Foreshore Special Protection Area (SPA) (4.2km);
- Mersey Narrows and North Wirral Foreshore Ramsar site (4.2km);
- Dee Estuary Special Area of Conservation (SAC) (4.2km);
- Mersey Estuary SPA (4.5km);
- Mersey Estuary Ramsar site (4.5km).

Merseyside Environmental Advisory Service (MEAS) requested further detailed information regarding bats and trees and provision of target notes in the report and on the Phase 1 Habitat Map, which the applicant provided. MEAS have not objected to the proposal subject to conditions 8-10.

The proposal is unlikely to generate a significant volume of waste.

UDP Policy NC7 (Species Protection) considers a proposal unacceptable if it has a significant adverse effect on wildlife species protected by law and it will not be permitted unless the protection of species can be secured through planning conditions or obligations. A scheme for the provision of bird nesting boxes within the development is required to protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan

Given the above, the proposal is considered to comply with UDP Policy NC7 as there are no significant impacts on protected species.

#### Trees

The site is covered by a Tree Preservation Order, with mature trees to the front and rear boundaries which contribute to the character of the area. Some limited tree removal will be necessary. The access will require the removal of 3 trees with the possibility of the removal of a further tree T5 which is a poor specimen with poor form due to suppression from adjacent trees. Two self-seeded Sycamores will also need to be removed. An Arboricultural Site Supervision condition is required to safeguard the retained trees. The loss to overall amenity with regards to tree loss is considered to be relatively low given the number of trees on the site, and the significant number of trees that will be retained, in addition to the potential for tree replacement within the site. A planting plan has been submitted. Section 3.4 of the Tree, Hedge and Woodland strategy sets out 16 trees should be re-planted as replacements. The Tree Officer confirmed this would be excessive given the site and the scope and space constraints imposed by the proposal. The proposal indicates a possible 3 trees to be planted as replacements, which would result in a net loss of trees on the site, however, 3 replacement trees would be acceptable mitigation for the proposed tree loss given that new hedge planting will also take place. *Malus sylvestris* is not a suitable replacement species for the scope of this scheme though. A campestre or *S. aria* 'lutescens' would be more suitable and the

	<p>Planting Plan has been updated to reflect this (D201.001 Rev B Planting Plan (dated 15/02/23)).</p> <p>There are no environmental or sustainability issues relating to these proposals subject to conditions.</p>
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<p><b>3.10 Amenity</b></p>	<p>The previous application APP/22/00500 was refused harm the amenity of the neighbouring properties, specifically the proposed first and second floor balconies and the scale and proximity of plot 2 adjacent to Oak Cottage, contrary to Policy HS4 of the UDP.</p> <p>The resubmitted application has removed the balconies and increased the separation distance to Oak Cottage. The principle outlook from the proposed dwellings is to the front and rear elevations. There is no overlooking to the playing fields opposite, and no direct overlooking to windows from the rear elevation. The 13m-20m rear gardens prevents significant overlooking to the rear garden of Three Roods to the west.</p> <p>There are ground floor and first floor windows to the original south side of Oak Cottage, which appear to serve habitable rooms, and are partially screened by vegetation. Plot 1 is set 5.5m-8.6m from the north boundary and 8.35m from the side elevation of Oak Cottage. The primary outlook from Oak Cottage is to the front and rear elevations and the windows in the side elevation have a limited outlook due to the mature vegetation to the boundary. The proposal is set away from the boundary and is not considered to result in an overbearing structure when viewed from Oak Cottage. The proposed first floor and second floor secondary bedroom windows of plot 1 facing north shall be obscurely glazed to prevent overlooking and loss of privacy to Oak Cottage. It is not considered necessary to obscurely glaze the ground floor window as this will not result in overlooking or loss of privacy.</p> <p>There are no windows proposed in the south elevation facing Green Eaves and no issues of overlooking or loss of privacy. It was noted bedroom 4 in plot 2 did not have a window which is not acceptable for a habitable room, and the internal layout has been amended to remove bed 4 and merge the 3no. bedrooms into 2no. with outlook to the front and rear.</p> <p>The scale of the development will not harm the amenities of the neighbouring properties due to its central position within the plot and the proposal is not considered to appear overbearing. The proposal will not harm neighbours' outlook and will not result in an over dominant or disproportionate structure. The windows are not considered to result in overlooking or loss of privacy to neighbours subject to a condition. As such the proposal complies with HS4 of the UDP and paragraph 124 of the NPPF.</p>
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<p><b>3.11 Other</b></p>	<p>In response to representations received from neighbours, objections were received on the grounds there is potential for the building to be subsequently converted into flats. The application has to be determined as submitted, and potential future applications are not a reason to refuse planning permission. A further planning application would be required, neighbours would be reconsulted and consideration would be given to the additional impact. There may be an air raid shelter on the site. There are no heritage assets recorded on the Merseyside Historic Environment</p>
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	<p>Record within the proposed development and the proposed development site is considered to have negligible archaeological potential. Concerns were raised that the illustrative street view is not an accurate representation of the position of the neighbouring garage. The case officer visited the site and noted the position of the surrounding development. An objection noted the existing trees are likely to significantly reduce the natural light the proposed development would receive, potentially resulting in subsequent applications to fell the trees for amenity reasons. It is considered that trees to be retained have adequate space in order to prevent damage to their canopy or root structures and to allow sunlight for good levels of amenity for future occupiers. The description of development refers to a semi-detached villa and the drawings show two properties. There is scope for future occupiers to erect outbuildings under permitted development, and this is not considered harmful to neighbouring properties.</p> <p>Amended plans were requested removing the car port forward of the building line which was considered too prominent and reconfiguring the internal layout to remove a bedroom with no window. No representations were received raising concerns regarding the car port or the internal layout. Under the Council's adopted Guidance on Publicity for Planning Applications, the statutory requirements do not apply to notify neighbours for amendments to a current application where there are no significant alterations or increase the size of the proposal. The amendments would not have a significantly different impact on neighbours when compared to the original proposal. As the proposal remains substantially similar and has the effect of reducing the size and impact of the development re-notification is not necessary in this instance.</p> <p>There are no other relevant planning considerations.</p>
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<p><b>Summary of Decision (Planning Balance)</b></p>	<p>Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise</p> <p>Having regards to the individual merits of this application it is considered that the application is acceptable in planning terms having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton 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 acceptable in scale and design and is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal complies with policy HS4, GR5, GR7, NC2, NC7 of the adopted Wirral Unitary Development Plan, Joint Waste Local Plan for Merseyside and Halton the emerging Local Plan, and the National Planning Policy Framework.</p>

<p><b>Recommended Decision:</b></p>	<p>Conditional Approval</p>
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**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 amended plans received by the local planning authority on 12 January 2023 and listed as follows:

19175-PJA-S-00-DR-A-1001-G Proposed Site Layout (dated 12.01.23)

19175-PJA-P4-RF-DR-A-1101-A Proposed Roof Plan (dated 05.01.23)

19175-PJA-P4-ZZ-DR-A-2100-B Proposed Elevations (dated 05.01.23)

19175-PJA-S-XX-DR-A-2000-B Proposed Street Scene (dated 05.01.23)

D201.001 Rev B Planting Plan (dated 15/02/23)

And the revised floorplan received 01 March 2023:

19175-PJA-P4-ZZ-DR-A-1100-E Proposed Floor Plans (dated 01.03.23)

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

3 No development above DPC level shall take place until details or 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 having regards to Wirral Unitary Development Plan Policy HS4.

4 Before the development hereby permitted is brought into use, the first floor and second floor windows in plot 1 facing north shall be obscurely glazed and non-opening, or opening 1.7m above floor level, and retained thereafter.

**Reason:** To protect neighbour amenity and having regards to Wirral Unitary Development Plan Policy HS4

5 The Arboricultural Method Statement 22/AIA/WIRR/83 dated January 2023 and plans Tree Protection Plan 1 - (CONSTRUCTION) Rev A & Tree Protection Plan 2 - (DRIVEWAY) Rev A dated January 2023, submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in (appendix 5, sequence of operations section 2) of the report, by a suitably qualified tree specialist.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies GR5 and GR7 of the adopted Wirral Unitary Development Plan.

6 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 5 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may



only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

**Reason:** In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition 5 pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies GR5 and GR7 of the adopted Wirral Unitary Development Plan.

7 The landscaping shown on the approved drawing D201.001 Rev B (dated 15.02.23) shall be carried prior to the occupation of the building(s), 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, to make sure that it contributes to the character and appearance of the area

8 Prior to first occupation, a scheme for the provision of bird nesting boxes within the development shall be submitted to and approved by the Local Planning Authority. Details to include number, type and location on an appropriately scaled plan as well as timing of installation. The boxes so approved shall be completed and available for use prior to first occupation/use of the development and shall thereafter be retained.

**Reason:** To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan

9 No tree, shrub or hedgerow felling is to be carried out on the site between 1 March and 31 August in any year. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows 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.

10 Montbretia and Rhododendron are present within the site boundary. Both species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 and National Planning Policy Guidance applies. The applicant should submit a method statement, prepared by a competent person, which includes the following information:

- a) A plan showing the extent of the plant(s).
- b) The method(s) that will be used to prevent the plant/s spreading further, including demarcation.
- c) The method(s) of control that will be used, including details of post-control monitoring.
- d) How the plants will be disposed of after treatment/removal.

The method statement should be submitted for approval to the Local Planning Authority prior to commencement of any works on site.

**Reason:** To prevent the spread of the plant through development works

11 Prior to the commencement of development, details of land levels with an off-site datum shall be submitted to and approved in writing by the Local Planning Authority, and development shall be built in accordance with the approved details.

**Reason:** In the interest of neighbour amenity and to accord with Wirral Unitary Development Plan policy HS4.

Informative

Consent under the Highways Act 1980 is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. 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](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

<b>Last Comments By:</b>	29-11-2022
<b>Expiry Date:</b>	09-November-2022

**ITEM 5 – APP/22/01656: LAND ADJACENT TO OAK COTTAGE NOCTORUM ROAD, NOCTORUM, THE ERECTION OF A SEMI-DETACHED VILLA ON LAND ADJACENT TO OAK COTTAGE, WITH ASSOCIATED PARKING PROVISION AND ACCESS (2NO.DWELLINGS)**

13 further representations have been received citing the following concerns:

1. The Committee report acknowledges the density of housing on the site exceeds that permitted by Policy HS5. The report looks to argue that this is justified because NPPF and the emerging Local Plan seeks to make efficient use of land, however, whilst NPPF does encourage efficient use of development land, this requirement is qualified by design considerations with it also being stated that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve” (para 126). The report does not mention this fundamental qualification to the pursuit of density, instead it looks to override HS5, even though the purpose of the Policy is to specifically safeguard the character of areas that are described as having “special character” such as Noctorum Ridge. Policy HS5 remains an adopted policy of the Council and should continue to have significant weight attached to it.

2. Plot One (four bedroom dwelling) has no garaging or other undercover storage. If this proposal was approved, it is inevitable further proposals for appropriate garaging and car parking for these two dwellings would quickly follow and these would have the effect of eroding the remaining space between these proposal dwellings and the adjacent properties, conflicting with policy HS4 and HS5.

3. The access for Plot Two from Noctorum Road is directly in front of Plot One, that, in itself, is poor design brought about by seeking to construct two houses on a plot where the location of the access is severely restricted for arboricultural reasons. However, the four/five bedroom dwelling has just one parking space under a car port, but if a car was put in this, it would then have to reverse out along a 3 metre wide driveway, around a right angled bend, and then across the front of the neighbouring property to get out onto Noctorum Road (assuming that the neighbour’s vehicles had not obstructed such a manoeuvre). If the occupier had two cars, then the second car would also prevent the car port being accessed. Policy HS4 which requires new development to relate well to the existing density and form of development and to make satisfactory provision for off-street parking, garages and vehicular access.

4. The proposals include significant hardstanding within the Root Protection Areas of existing trees. It is proposed within the revised Arboricultural Impact Statement that these would be protected by using a ‘no dig’ solution such as Cellweb laid on the existing surface, which would then have hardstanding laid on top. The Statement says that the arboriculturalists are confident that this can be installed without an adverse impact on the trees, however, no justification is given for this assertion whatsoever. Furthermore, it is not clear when they say that it can be ‘installed’ without harm whether they also mean that it will not harm the trees during the development lifetime when vehicles will be repeatedly driving across significant areas of the RPA’s. The arboriculturalist goes on to say that a full detailed specification for the root protection works will be submitted for approval by the

structural engineer, this has not been submitted as part of the application, nor has a condition been suggested so far to require i

5. The proposal will have an impact on levels on the site, this makes detailed consideration of the impact of the development on the streetscene impossible to assess, as it seems likely that the slab levels of the houses will need to be raised to relate appropriately to the raised accessways.

6. The Applicant's Street Scene (19175-PJA-S-XX-DR-A-2000-B) is inaccurate and misleading, the neighbouring property Green Eaves is shown on the drawing much further away from the boundary than is in fact the case.

7. The amended drawings have reduced car parking provision, all other properties on Noctorum Road have adequate parking facilities and do not park on the road.

8. The application results in loss of character of the area contrary to the emerging Local Plan, and opens the door to other developers.

9. The proposal is contrary to HS5 housing density - it is pointless to have guidance and then break it. The argument that there is a requirement to efficiently use land could be used to build anywhere and allow for expansive overdevelopment..

10. It is important that this density guideline is not broken because it is one of the principles on which the planning application for the development of Noctorum Field was refused.

11. The scale of the trees is misrepresented on the plan and they are an essential part of the character of the area especially at the road boundary.

12. Lack of public consultation of people on road who have paid a lot of money for their houses

13. Too much floor space taken up on the property versus the size of the plot and the gardens are too small compared to the size of the plot leading to mature trees being felled unnecessarily and without any reasonable cause.

14. Potential change of use to a dwelling of multiple occupancy.

15. The scale of the property over 3 floors would have impact on the surrounding properties.