



Planning Committee

Date:	Thursday, 9 November 2023
Time:	6.00 p.m.
Venue:	Committee Room 1 - Birkenhead Town Hall

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

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AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES (Pages 1 - 2)**

To approve the accuracy of the minutes of the meeting held on 11 October 2023.

- 4. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked whether they have any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

5. **APP/22/00662: MEMORIAL HALL, THE SPIRE, BRECK ROAD, POULTON, CH44 3BD - DEMOLITION OF EXISTING DERELICT HALL, PROPOSED NEW 33 NO. APARTMENTS WITH ASSOCIATED LANDSCAPING WORKS (Pages 3 - 22)**

6. **APPH/23/00355: 71 THE VILLAGE, BEBINGTON, WIRRAL, CH63 7PL - RE-INSTAEMENT OF GATE AND PIER AND PART OF WALL TO FRONT; EXCAVATION WORKS TO FRONT, SIDE AND REAR; CONSTRUCTION OF CAR PORT TO SIDE; DEMOLITION OF REAR EXTENSION; CONSTRUCTION OF TERRACE AND PART BASEMENT LEVEL AND PART GROUND FLOOR LEVEL EXTENSION TO REAR; ALTERATIONS (Pages 23 - 38)**

7. **APP/23/00282: 11 CALDY ROAD, WEST KIRBY, WIRRAL, CH48 2HE - THE DEMOLITION OF THE EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF A DETACHED BUILDING CONTAINING 6 APARTMENTS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING (Pages 39 - 58)**

Planning Committee Terms of Reference

The terms of reference for this committee can be found at the end of this agenda.

PLANNING COMMITTEE

Wednesday, 11 October 2023

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	B Kenny
	H Gorman	J Stewart Laing
	K Hodson	G McManus
	C Baldwin	Jason Walsh
	M Booth	

Deputy:

Councillor GJ Davies (In place of S Powell-Wilde)

38 **WELCOME AND INTRODUCTION**

The Chair welcomed Members of the Planning Committee, Officers, members of the public and those watching the webcast to the meeting.

39 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor S Powell-Wilde, who was deputised by Councillor George Davies.

40 **MINUTES**

The Director of Law and Governance submitted the minutes of the Planning Committee meeting held on 14 September 2023.

Resolved – That the minutes of the Planning Committee meeting held on 14 September 2023 be approved.

41 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee were asked whether they had any personal or prejudicial interests in connection with any item on the agenda and if so, to declare them and state what they were.

No such declarations were made.

42 **APP/23/00227 - JACKSONS FURNITURE, 106 - 116 ST PAULS ROAD, SEACOMBE, WIRRAL, CH44 7AW DEMOLITION OF THE EXISTING, FIRE DAMAGED, COMMERCIAL UNIT AND THE CONSEQUENT ERECTION IN ITS PLACE OF A HOUSE IN MULTIPLE OCCUPATION (HMO) DEVELOPMENT WITH A COMBINED TOTAL OF 36 BEDROOMS WITH A MAXIMUM OCCUPANCY OF 36 PERSONS**

The Principal Planning Officer presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Ward Councillor Paul Stuart addressed the Committee.

The Agent, Mr Harry Johnson addressed the Committee.

On a motion by the Chair and seconded by Councillor Kathy Hodson it was –

Resolved (unanimously) – That the application be refused on the following grounds:

The proposed development will result in more than 20% of the street frontage within the street block being occupied by HMOs which would be detrimental to the area and would fail to comply with policy HS14 of the Wirral Unitary Development Plan and policy WD7 of the draft Wirral Local Plan.

Agenda Item 5

Planning Committee	9 th November 2023
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Reference:	Area Team:	Case Officer:	Ward:
APP/22/00662	DM	Ms A McDougall	Seacombe

Location:	Memorial Hall, The Spire, BRECK ROAD, POULTON, CH44 3BD
Proposal:	Demolition of existing derelict hall, proposed new 33 no. apartments with associated landscaping works
Applicant:	Magenta Living
Agent:	Mr Johnson Paddock Johnson Architects

Qualifying Petition	No
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Development Plan designation:	Primarily Residential Area
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Planning History:	There is no relevant planning history on this site.
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Summary Of Representations and Consultations Received: Over 15 letters of objection have been received, in accordance with the Councils scheme of delegation the application is to be heard at planning committee

1. Ward Member Comments	No comments received.
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications, 112 letters of notification were sent to the neighbouring properties. As a result, 129 objections have been received on the following grounds.</p> <ul style="list-style-type: none"> • Traffic impact due to increase in car use and proximity to a busy junction. • Noise levels will increase. • Loss of privacy from new building • Local historic importance of the Memorial Hall and the loss is disrespectful to the community and its history. • Loss of a tree to the rear boundary • No requirement for social housing in this location <p>35 Letters of support have also been received.</p>

	<p><u>CONSULTATIONS</u></p> <p>Highway Asset - No objection subject to informative</p> <p>Traffic & Transportation - No objections subject to conditions</p> <p>Housing - No confirmed RSL</p> <p>MEAS - No objection subject to mitigation condition, a watching brief and recreational pressure mitigation</p> <p>Lead Local Flood Authority (LLFA) - Objection originally raised. Additional information was submitted by the agent and the objection was lifted, subject to conditions.</p> <p>Trees- The majority of trees on the site have grown up as a consequence of neglect of the site, and they do not or have not made a significant contribution to the landscape character of the local area. Trees T1 -T3 are the largest on the site, situated behind adjacent properties, they have a low public amenity. No objection subject to tree mitigation conditions.</p>
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3.1 Site and Surroundings	<p>The site comprises the former St Luke's Memorial Hall building with a frontage to Mill Lane in Wallasey. The site contains the Memorial Hall building and open land that extends between the adjacent St Luke's Church to the south and a bowling green to the north. Adjacent to the Memorial Hall building is the St Luke's Church and Spire community centre. The church site remains in current use and does not form part of the application site.</p>
	<p>The application site is a de-consecrated former church hall. It is in a poor state of repair, the site currently forms part of (The Spire) St Lukes</p>

	Church grounds, with the main church being located south of the application site. The site is a derelict building that is not listed and does not lie within a designated conservation area but is considered to have local importance in terms of local history.	
	The application site is a brownfield site that covers an area of approximately 3,141.61m ² (0.31 hectare). The site comprises land with varying levels, with the existing building sitting above pavement level, and contains tall hedges and mature trees to the northern perimeter, providing enclosure from the bowling green and adjacent neighbouring properties	
	The surroundings to the site are predominantly residential with housing on Breck Road to the west, Mill Lane to the east, and on Poulton Road to the south west of the site. Further to the west of the site, traditional style housing gives way to modern apartment blocks	

3.2 Proposed Development	<p>The proposal is for a building containing staggered heights from 2 storey up to 4 storeys comprising of 33 flats, set out as 22 one bed units and 11 two bed units. The scheme will include a minimum of 10% affordable housing provision which will likely be in the form of a commuted sum to the equivalent value of 2% of the open market value of all the units within the development. This would be secured by a Section 106 Agreement.</p> <p>Amended plans have been received with regards to the landscaping and car parking layout, this sees the reduction in car parking to 19 off street parking spaces and increased area of amenity space and reduction in loss of trees.</p>	
	The works include the demolition of the existing memorial hall that is in a poor state of repair, the memorial hall ceased its use in 2001. It is noted that the memorial hall is not listed but is of local importance.	

3.3 Development Plan	<p>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.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan (adopted 18 July 2013).</p> <p>The following Wirral Unitary Development Plan 2000 Policies relevant are;</p> <p><u>HS4 Criteria for New Housing Development Policy</u></p> <p><u>HS6 Principles for Affordable Housing Policy</u></p> <p><u>NC7 Species Protection Policy</u></p> <p><u>TR9 Requirements for Off-Street Parking Policy</u></p>	
	The Joint Waste Local Plan for Merseyside and Halton (adopted 18 th July 2013) is also applicable. Relevant policies are:	

	<p>WM8 Waste Prevention and Resource Management</p> <p>WM9 Sustainable Waste Management Design and Layout for New Development</p>
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<p>3.4 Other Material Planning Considerations</p>	<p><u>Submission Draft Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan 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</p> <p>As the Wirral 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:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • 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).” <p>Relevant Policies;</p> <p><u>Policy WD 1 Landscaping including Trees</u></p> <p><u>Policy WD3 Biodiversity and Geodiversity</u></p> <p><u>Policy WD6 Self Contained Flats</u></p> <p><u>Policy WS 2 Social Value</u></p> <p><u>Policy WS 3 Strategy for Housing</u></p> <p><u>Policy WS 6 Placemaking for Wirral</u></p> <p><u>Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking</u></p> <p><u>Policy WS 8 Strategy for Sustainable Construction</u></p>
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	<p>INTERIM APPROACH TO AVOID AND MITIGATE RECREATION PRESSURE IN WIRRAL MAY 2022</p> <p>The majority of the Wirral coastline is designated in recognition of its international importance for wildlife, in particular for wintering birds; and its notable habitat. These designations establish legal requirements for the protection of these special environments, and specific duties on local authorities, particularly with regards to planning.</p> <p>The wide range of recreational activities that take place within these European designated sites can result in disturbance to the birds, albeit often unintentional. Human disturbance of the birds can have several impacts. Birds may be more alert, resulting in a reduction in the amount of food eaten, or they may move away from the disturbance. A bird which moves away, forgoes valuable feeding time whilst in the air and also uses energy in flying – a double impact on the bird’s energy reserves. If the disturbance is substantial, then food-rich areas may be little used by the birds or avoided altogether, leading to other areas hosting a higher density of birds and intensifying the competition for the available food. Ultimately, the consequence of human disturbance can be increased bird mortality or a reduction in the amount of energy which the individual bird has available at the end of the winter period to fly back to its breeding grounds. If as a consequence the birds are unable to complete their migratory journey or are not in sufficiently good condition to breed when they arrive, then this would lead to a reduction in the bird population.</p>
	<p>The National Planning Policy Framework sets out the Government’s planning policies. At the heart of the NPPF is a presumption in favour of sustainable development.</p> <p>Section 2. Achieving sustainable development.</p> <p>Section 5. Delivering a sufficient supply of homes.</p> <p>Section 11. Making effective use of land</p> <p>Section 12. Achieving well-designed places</p>
	<p>Wirral Council’s Supplementary Planning Document 2 - Designing for Self Contained Flat Development and Conversions states (amongst other matters):</p> <p>New buildings for self contained flats must be sited with regard to the layout, pattern and use of the spaces between other buildings in the surrounding areas</p> <p>Development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property. Unless it can be demonstrated that privacy would not be unduly affected, habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three storey development adjacent to two storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.</p>

Adequate landscaped garden space should be provided for the exclusive use of residents. This should be accessible to each flat and have a size, shape and location to be useful to occupiers. As a general guide, developers should ensure that at least one third of the whole site remains available as private landscaped communal areas. Driveways, garages, parking, servicing bin and cycle stores will not be considered to be part of this amenity area.

The main entrance to the building should be located in the front elevation and provide access to individual flats from within the building whenever possible. If external staircases are proposed, the applicant must demonstrate that internal access is not feasible. Any external staircase should be sited to the rear, out of public view, designed to be an integral feature of the building and to prevent overlooking of neighbours' windows or private amenity space

All main habitable room windows should have reasonable outlook and not be lit solely by roof lights and not be in close proximity of high walls or fencing, steep embankments or established trees etc.

Surrounding buildings may have a standard pattern. This does not always prevent the introduction of taller or lower buildings, but it will require a design approach that softens any change in height to ensure that the resulting building is at a scale proportionate to the surrounding area. All new proposals will be required to either protect or improve the existing roofscape. The bulk of large buildings can be reduced through variations in the footprint, height and roof form of the building as well as the spacing in relation to neighbouring properties. For example, elevations and roofs with varied shapes can reduce the overall massing of a larger block of flats because the use of multiple components will not appear as big as a single large component. The design of large buildings as a single block is not likely to be acceptable.

Frontages that are active can add interest, life and vitality to the public realm. Buildings on corner plots should be designed with two frontages. This could include entrance features or wrap-around windows to add interest to the street scene. Balconies, bays, porches, colonnades or other projections can also be used to enliven edges.

SPD4 Parking Standards (June 2007)

Wirral Council's Supplementary Planning Document 4 Parking Standards states (amongst other matters):

The layout of parking, service and access areas for residential development should ensure that:

- the amenity of neighbours and occupants is not unduly affected by noise, exhaust fumes, and overlooking - this may be achieved by providing a landscaped buffer between parked cars and the boundaries with neighbouring properties and by ensuring that parking bays are at least 3 metres from the ground floor window of any habitable room;
- there is safe and convenient access for pedestrians and cyclists, with paths of reasonable width, capable of allowing two pushchairs to pass; and
- a clear distinction is made between public and private areas

	<p style="text-align: center;"><u>Wirral Council Tree, Hedgerow and Woodland Strategy</u></p> <p>Proposals for development and other land use changes will need to consider how trees, woodland and hedges will be successfully integrated with the overall scheme. To avoid future conflict, the following must be carefully considered: appropriate space for retained and new trees to allow for future growth and spread; how to avoid damage due to compaction of soil, severing roots or branches; and the need for infrastructure and service installation as well as the presence of pre-existing or new utility provision to be mindful of trees. In exceptional circumstances where the loss of existing trees and hedgerows can be fully justified through a site-specific arboricultural assessment, provision will be required for replacement plantings in a suitable location with equivalent or more compatible species.</p>
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<p>3.5 Assessment</p>	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • Principle of development • Design; • Highways and PROW; • Ecology/Trees/recreational pressure • Amenity • Section 106 agreement (affordable housing & recreational pressure)
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<p>3.6 Principle of Development</p>	<p>The proposal is for a residential development consisting of 10% Affordable Housing provision, the development also includes provision for off street parking and landscaping within the site. The affordable housing statement sets out 10% affordable housing provision that will be secured by a S106 agreement.</p>
	<p>One of the aims of the National Planning Policy Framework (the NPPF) and a strategic objective of emerging local plan is to maximise the potential of previously developed land. The promotion of residential land uses is supported in this policy context as is securing effective land use in meeting the need for homes. Paragraph (Para) 60 of the NPPF sets out the objective of significantly boosting the supply of homes by identifying a sufficient amount and variety of land and the recent relaxation of the permitted development restrictions shows the Government's clear intent to maximise the airspace above existing buildings to increase housing-stock</p>
	<p>Para 120 of the NPPF promotes the development of under-utilised land that can make an important contribution to meeting the housing requirement of an area. The growth and expansion of the area has resulted in a pattern of increasing intensification of development with incremental increases in the size and scale of its buildings. The planning gain in terms of additional dwellings offered by the proposal would be significant in comparison to how the land functions presently as is clear that, in principle, the site can be used more intensively and effectively</p>
	<p>Demolition of the existing hall to make way for residential development, is acceptable in principle, the building is not listed but is considered a non-designated heritage asset. It is acknowledged that the former Memorial Hall site is of historical interest in the local area and the proposals that</p>

	<p>have come forward to redevelop the site are sensitive to the site's history and its connections with the adjacent St Luke's (The Spire) Church.</p> <p>The hall included a memorial stone which has since been relocated within the main Church adjacent to the application site.</p>
	<p>In principle, the proposal is therefore acceptable for the aforesaid reasons and principally because its realisation would optimise the use of a brownfield site and in accordance with the adopted Wirral UDP Policy HS4.</p>

3.7 Design	<p>The development seeks to compliment the neighbouring church, not to compete with it. By staggering the apartments across a part 2, 3 and 4 storey building mass, the desired number of units can be achieved without detrimental impact to the surrounding area and without creating any sense of over-development. Adopted local and national policy seeks the highest quality of development and encourages Development that is well connected to and integrated with the wider settlement. Height, massing, layout, appearance and landscape should make maintain an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area, whilst not necessarily replicating local characteristics</p>
	<p>The loss of the memorial hall does impact local history however the poor condition and disuse of the building mean that the building itself cannot be retained or repurposed in association with the redevelopment of the site. The design of the central gable to the proposed building does seek to emulate the gable of the memorial hall to provide a visual relationship between the original and the proposed. The design and scale of the building do hark to the mass of the existing building providing a larger central section with small wings to the side so as not to dominate the Church.</p>
	<p>The external finish is simplistic with brickwork details to the central gable and windows, the changes to the brickwork colour give more dimension to the building and the green copper detailing to the stairwell and windows reflects the copper spire of the neighbouring Church. The design containing a mix of heights and material palette is considered appropriate to the character of the area, taking into account the orientation of the building and the relationship to neighbouring development.</p>
	<p>Having regard to the NPPF;</p> <p>Section 12. Achieving well-designed places</p> <p>The proposed development aims to add to the overall quality of the area, and contribute to the site's long-term sustainability. The building has been designed to fit comfortably within its surroundings, with consideration given to the existing context and the adjacent buildings. The layout aims to utilise the site appropriately in relation to its context and provide sufficient complementary space for car parking and amenity space. Additionally, the selection of materials will offer a visually attractive varied elevation to blend with the contextual palette of materials</p>
	<p>In summation, the proposal would improve the appearance of the site and create much needed housing whilst being respectful of local characteristics. Therefore, the proposal accords with the design expectations of Wirral's existing policies HS4 and emerging local plan Policy WD6 as well as the NPPF</p>

<p>3.8 Highways</p>	<p>The site will be laid out with a new vehicular access from Mill Lane to the north of the site, with 19 car parking spaces and turning area set out within the site. The provision of 19 spaces (initially 28) for 33 flats within a sustainable location given the bus route network, meets the criteria set out in SPD4 which sets out a maximum of one space per unit policy, the building has internal storage space for bikes which is the preferred option to external storage.</p> <p>Cycle storage is provided internally and identified bin storage is shown on the proposed site plan to the rear of the car park to the west of the application site.</p> <p>The Highway Authority have been consulted and have raised no objection to the proposal as per the amendments. Parking on site is well served and would exceed any local requirements. Third party concerns were raised about the safety of the proposed development in terms of access and road safety, however, as mentioned, the highway authority has not echoed this concern and no evidence has been submitted to support this view.</p>
	<p>The site has off street provision for waste collection, the development car park allows for servicing to be accommodated within curtilage, and a refuse vehicle has been suitably demonstrated to enter and leave the facility in a forward gear. A construction management plan condition will also be imposed to meet the requirements of the joint waste local plan.</p>

<p>3.9 Ecology</p>	<p><u>Protected Species</u></p> <p>The site was found to comprise common and widespread habitats of hardstanding, dense scrub, scattered trees, introduced shrubs and ephemeral vegetation. The site was found to have value for the following notable species groups:</p> <ul style="list-style-type: none"> • Bats (foraging, commuting, and roosting) • Breeding birds <p>The former memorial hall was assessed as having moderate roosting potential. It is recommended that a minimum of two nocturnal bat surveys be completed to further assess the buildings use by roosting bats. The surveys should follow the guidance set out in Collins (2016), which are seasonally constrained to May to September (inclusive).</p> <p>The emergence/nocturnal survey notes that very low-low levels of bat activity were recorded with no bats were recorded emerging from the building. Common pipistrelle and brown long-eared bat were the only bat species recorded during the survey with bats recorded foraging predominately to the north and west of the building. Following the nocturnal emergence surveys, it was confirmed that bats were not using the building as a roost as a time if the surveys.</p> <p>It is recommended that If works have not begun by September 2024, a further daytime assessment and nocturnal survey(s) will be required to confirm bats are not using the building to roost.</p>
	<p><u>Trees and Landscaping</u></p> <p>The current site contains trees and hedges as well as a mix of shrubbery that is now relatively dense due to the nature of the site being unused. To make way for the development there will be a loss of trees around the boundary and within the site itself, following amendments to the layout and</p>

	<p>landscaping and with a reduced area of hardstanding, this allows the retention of trees labelled 4, 5, 7, 8, 12, 13 & 18 to be retained and trees labelled 1, 2, 3 (sycamore) to the rear of the site, trees 10, 11 (sycamore) to the front of the site and tree 16 (weeping willow) to the centre of the site to be removed to make way for the development and will allow for more external amenity space to be retained by the reduction to the car parking area.</p> <p>Given the impact onto habitats and the impact of construction work, a condition to assist in replanting and improve biodiversity on site will be imposed in order to replenish the site following building work and construction will be imposed. There are areas to the front and rear of the site that can be landscaped to improve biodiversity following the completion of the development.</p> <p>Comments from the Tree Officer state that the trees and vegetation on site have largely grown due to neglect, in line with the Councils tree strategy 13 trees should be planted in mitigation, these should be detailed within a landscaping scheme and should be of a size and suitable species for the site. Conditions imposed with regards to tree mitigation.</p>
	<p><u>Biodiversity</u></p> <p>The site is an existing brownfield site with a building, albeit unused, with existing buildings located to the east, south and west. To the north of the site is an area of grass land with a concrete plinth, this area is to be cleared to make way for the access and car parking, this section of the site also sits adjacent to an established bowling green which separates the site from the motorway overpass. The main impact on the site as existing is the loss of the scrub land to the north to make way for car parking and access road, however within the immediate plot, landscaping biodiversity net gain can be encouraged through appropriate planting and habitat support such as bird/bat boxes, this has been imposed as a condition.</p>
	<p><u>Interim Recreational Pressure</u></p> <p>The proposal results in a net increase of 33 residential units, which will result in increased visits to recreational sites within the Borough (recreational pressure) . This may result in significant effects on habitats and species for which these sites have been designated.</p> <p>Recreational pressure from residential development has been identified as a Likely Significant Effect alone and in-combination within the Liverpool City Region. Recreational pressure is recognised in the formal statutory Conservation Advice Packages and Site Improvement Plans as Medium-High risk to qualifying features of the national and international sites.</p> <p>The following mitigation recommendations are included:</p> <ul style="list-style-type: none"> • Welcome packs to be provided to residents detailing to nearby designated site and measures to minimise increased residential visitors impacts. • Compensatory tree and scrub planting to be of benefit for invertebrates, birds, bats and terrestrial mammals. • Reasonable Avoidance Measures during vegetation removal. • Nesting bird checks prior to any vegetation removal if completed during the nesting bird season (March to September, inclusive). • Update non-native invasive species walkover, prior to the development.

	<p>Wirrals Interim approach in terms of recreational pressure requires appropriate mitigation, in this instance a commuted sum to be secured by a S106 has been agreed with the applicant.</p> <p>It is recommended that details of a responsible user code in line with the LCR Wirral Leaflet is provided and distributed within sales packs, and this is secured by condition.</p>
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<p>3.10 Amenity</p>	<p>In terms of the proposed building, the layout is staggered with the height and massing of the building fluctuating across the site so as to minimise the visual bulk especially when viewed along Mill Lane and when read in conjunction with the Church to the south (which is to remain). Each flat has appropriate outlook from habitable rooms, the north elevation facing the car park has car parking spaces that front on to the windows but are also buffered by walkways and landscaping</p>
	<p>In terms of the interface distances to the two-storey houses on Mill Lane the proposed building is approximately 28m away at its closest point albeit this is to the two storey side wing and where the proposed building is four storey the houses opposite on Mill Lane are between 32m to 40m away (northern end) it should be noted however that the buildings on Mill Lane are staggered and orientated towards the north west as the highway sweeps around a bend giving distance between the existing site and the proposed structure. This meets the policy guidance of SPD2.</p>
	<p>To the west (rear) the houses on Breck Road are approximately 16.8m to the proposed building (three storey flat roof) with this elevation containing secondary windows only within the proposed building. This distance increases from south to north along the west side due to the angle of the houses in relation to the application site and the position of the building. As this is considered a blank elevation the proposal addresses the minimum interface distances of 14m window to blank wall (additional 2m for additional storey increase). This meets the policy guidance of SPD2.</p>
	<p>Having regard to the emerging local plan, policy WD6 Self Contained Flats (and WS7); The location and property is appropriate for higher density development, in terms of the character and setting of the area and access to local services and is well connected by a choice of means of transport.</p> <p>As stated, the flats have reasonable outlook and amenity, access is provided to individual flats within the main structure of the building and new windows required to serve habitable rooms benefit from a reasonable degree of privacy and do not overlook adjoining properties to an unacceptable degree.</p> <p>There are 14 2 beds and 19 1 bed units, these are all stacked above one another on each floor so as to limit any harm to residents in terms of nuisance</p> <p>There is shared garden space provided for each flat, including those on upper floors, with defensible space between the shared area and any ground floor windows to habitable rooms; and appropriate parking arrangements, secure on-site cycle storage and waste refuse and recycling containers are provided.</p> <p>The 2 bed flats measure approximately 63m² which meets the NDSS of 61m², the 1 bed (max 2 people) flats measure 45m² in terms of the</p>

	<p>smallest units proposed, this falls short of the advised 50m² but meets the 1 bed one person specification of 39m².</p> <p>Whilst the one bed flats fall short, the NDSS requirements are not yet adopted and the benefits for redevelopment of an existing brownfield site outweigh the harm in this instance given that the one bed flats fall short by a minimal amount, the one bed apartments also have internal storage provision.</p>
	<p>The flats are stacked above one another, each unit has appropriate outlook to habitable room windows and is not restricted in terms of outlook. The overall site layout with parking to the north has areas available for low level soft landscaping around the parking areas as well as within the communal grounds, the wall to the east will also be retained with the exception of the widening vehicle access.</p>
	<p>The layout of the site retains the Mill Lane boundary wall and original entrance steps, leading to the east elevation of the building. The car park is to the north of the site adjacent to the bowling green, with areas to the east and west of the proposed building being retained for outdoor amenity space.</p>
	<p>Having regard to the NPPF;</p> <p>Section 2. Achieving sustainable development.</p> <p>The scheme aims to meet the three overarching objectives of the planning system, as follows:</p> <p>a) An economic objective – the development of new homes will bring back into use the brownfield sites. The application site is also surrounded by existing residential development and is therefore supported by a full range of existing local services and facilities,</p> <p>b) A social objective – the proposed development aims to deliver a sustainable long-term positive contribution to the area through the creation of the dwellings within the area, subsequently contributing to the long-term economic sustainability of the surrounding uses within the town of Wallasey</p> <p>c) An environmental objective – the application proposals utilize a brownfield site making effective use of previously unused land due to the derelict hall. This also creates the opportunity for the construction of a low carbon development.</p> <p>Section 5. Delivering a sufficient supply of homes</p> <p>The proposed development helps to support the objectives set out in Section 5 through the delivery of a proposed apartment building with a suitable mix of layouts offered to suit a variety of needs in an area supported well by local transport links and existing local services and facilities.</p> <p>The site is also brownfield in nature and will support the need for affordable housing, in an area already dominated by established residential development.</p>

	<p>The proposal helps to relieve the mounting local concern regarding the availability of sites for housing and development within the wider area.</p> <p>Section 11. Making effective use of land</p> <p>The proposal promotes the effective use of unused land whilst also meeting the need for new homes.</p>
	<p>The main area of concern is in terms of local amenity and the historical value of the memorial hall to local history. The hall was constructed in 1926 as a remembrance to those who lost their lives during World War 1. Whilst the hall itself was used as a community hall, the building is no longer in use (closed in 2001), the memorial stone has been saved and repurposed within the adjacent Church building. The loss of the building itself is not considered to harm the appearance of the locality however what the memorial hall stands for is an important feature within the local community, therefore whilst the proposed development is considered appropriate, any historical and artifacts of memorium must be protected and retained by the Church in an appropriate manner, this can be controlled through condition.</p>

<p>3.11 Section 106 agreement</p>	<p>When considering the potential content of a legal agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.</p>
	<p>Contributions/Provisions for the following are to be secured to ensure the proposal is policy compliant.</p> <ul style="list-style-type: none"> • Affordable Housing- minimum of 10% of the 33 units or a commuted sum to the equivalent value of 2% of the open market value of the units within the development • Recreational Pressure- 33 residential units- £286.26 per unit

<p>Summary of Decision (Planning Balance)</p>	<p><u>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.</u> 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), 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 proposed scheme as a residential development is considered acceptable having regard to scale, design and housing provision for the locality, through conditions the artifacts that form part of the local history of the Memorial Hall can be salvaged and recorded. Therefore, on balance the development is considered acceptable in accordance with the appropriate adopted Wirral UDP Policies, Joint waste local plan, Wirrals Tree Strategy and the NPPF.</p>

Recommended Decision:

That the Director of Regeneration and Place be authorised to approve the application subject to the following conditions and subject to the completion of an agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with the heads of terms set out in section 3.11 of this report

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 13 April 2022, 16 September 2022 & 17 August 2023 and listed as follows:

21101-PJA-00-00-DR-A-1100-D

21101-PJA-01-ZZ-DR-A-2100

21101-PJA-01-ZZ-DR-A-2000-B

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 having regards to Wirral Unitary Development Plan Policy HS4

4 Prior to first occupation, a scheme for the provision of bird nesting/bat boxes within the development shall be submitted to and approved by the Local Planning Authority. 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

5 No development or demolition shall take place until a report on a programme of historic building investigation, including a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of historic building investigation and works shall be undertaken in accordance with the approved Written Scheme of Investigation (WSI).. The WSI must include the following five steps: • A programme and methodology of site investigation and recording. • A programme for post-investigation reporting to include production of a final report of the significance of the historic building. • Provision for appropriate publication and dissemination of the archaeology and history of the historic building, including protection and location of historic artefacts • Provision for archive deposition of the report and records of the site investigation.

- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Reason; Importance of recording a non-designated heritage asset

6 No development or demolition shall take place until a report on a programme of archaeological works including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of archaeological works and works shall be undertaken in accordance with the approved Written Scheme of Investigation (WSI). The WSI must include the following five steps: • A phased programme and methodology of site investigation and recording; • A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest; • Provision for appropriate publication and dissemination of the archaeology and history of the site; • Provision for archive deposition of the report, finds and records of the site investigation; and • Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI. The Historic Building Investigation and archaeological investigation works should be described in a Written Scheme of Investigation (WSI) produced by an appropriately qualified and experienced archaeologist. For the historic building investigation, it should conform with the standards of Historic England 2016 Understanding Historic Buildings: A Guide to Good Recording Practice (<https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/>).

Reason; Having regard to the protection of the historic environment.

7 No tree felling, scrub clearance, vegetation removal, hedgerow removal or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, 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; Habitat protection having regard to Wirrals UDP Policy NC7

8 The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them: • A pre-commencement check for hedgehog; • All trenches and excavations should have a means of escape (e.g. a ramp); • Any exposed open pipe systems should be capped to prevent mammals gaining access; and • Appropriate storage of materials to ensure that mammals do not use them.

Reason; Having regard to species protection.

9 Prior to demolition a minimum of two nocturnal bat surveys shall be completed to further assess the building's use by roosting bats and those surveys shall be submitted to the Local Planning Authority. The surveys should follow the guidance set out in Collins (2016), which are seasonally constrained to May to September (inclusive) and submitted to the Local Authority prior to any demolition works.

Reason; Habitat and species protection having regard to Wirrals UDP Policy NC7

10 No development shall commence until final detailed plans and particulars of the sustainable drainage system, in the form of a 'Final' Sustainable Drainage Strategy, for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The details of the 'Final' Sustainable Drainage Strategy must be based on the principles and details identified in the following submitted documents and Terms of Condition below; Drainage Strategy (Feb 22 / Drawing No 21101-T-DRS-CIV-500 / Rev C/ Thomasons) Drainage Strategy & Management and Maintenance Plan (January 2023 / Contract No LV1160 / Rev B/ Thomasons) The approved scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved 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. For the avoidance of doubt, the surface water discharge rate from the development site shall be no more than 4.2l/s. Terms of Condition; Final/Confirmed Sustainable Drainage Strategy to comply with DEFRA's technical standards for sustainable drainage systems, and the SuDS Manual and include: Justification of final design Drawings to include: Final layout of site with proposed ground and finished floor levels Pre and post development flow paths Plan showing hatched permeable/impermeable areas. Final layout of sewers; outfalls; SuDS. Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; emergency overflows and annotation that correlates to the hydraulic calculations Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. Hydraulic modelling for final drainage strategy to include: System performance for following return periods; 1, 30, 100, 100 plus appropriate climate change allowance Demonstration of sufficient on-site storage for the 1 in 100 year (plus climate change) critical rainfall event Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs Volumetric runoff co-efficient (Cv) should be set to '1' Timetable including any phasing and demonstrating completed SuDS construction prior to occupation Construction Phase Surface Water Management Plan Secure means of access for maintenance and easements, if applicable

Reason; To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework

11 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 in consultation with the Lead Local Flood Authority. The approved drainage scheme shall be fully constructed prior to occupation. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements in accordance with the approved details, shall be submitted prior to occupation 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.

Reason; To ensure satisfactory sustainable drainage facilities are provided to serve the site and that maintenance arrangements are in place to ensure an acceptable standard of operation for the lifetime of the development in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework.

12 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, including location and type of a minimum of 13 new replacement 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

13 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

14 Prior to first occupation provision and distribution of a resident's advisory leaflet within the sales packs of the properties which will include details of a 'responsible user code' for visitors to the international and national sites in line with LCR_leaflet_wirral.pdf (meas.org.uk).

Reason; Having regard to Habitat protection.

15 The development shall not be occupied until the parking including 2 accessible parking bays and turning area[s] have been provided in accordance with details which have been first submitted to and approved in writing by the local planning authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR9 of the Wirral UDP

16 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety

17 The provision of a new footway contiguous to, and adjacent with, the development boundary along the Mill Lane frontage is required, and for these works to be installed and completed prior to the first occupation of the apartments.

Reason: In the interests of Highway safety

18 No plant or materials shall be brought onto site until Root Protection Area fencing and Ground Protection has been installed in accordance with the submitted tree protection plan and specification.

Thereafter:

Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification, without prior approval of the arboricultural consultant and / or the local planning authority.

The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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 (Insert relevant policies here).

INFORMATIVE

Consent under the Highways Act is required for the amendment of the existing vehicular accesses at Mill Lane. Proposed vehicle accesses to be constructed in accordance with LPA commercial concrete crossing specifications. 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 prior to the commencement of the works for the approval of the proposed details

Last Comments By:	07-10-2022
Expiry Date:	12-July-2022

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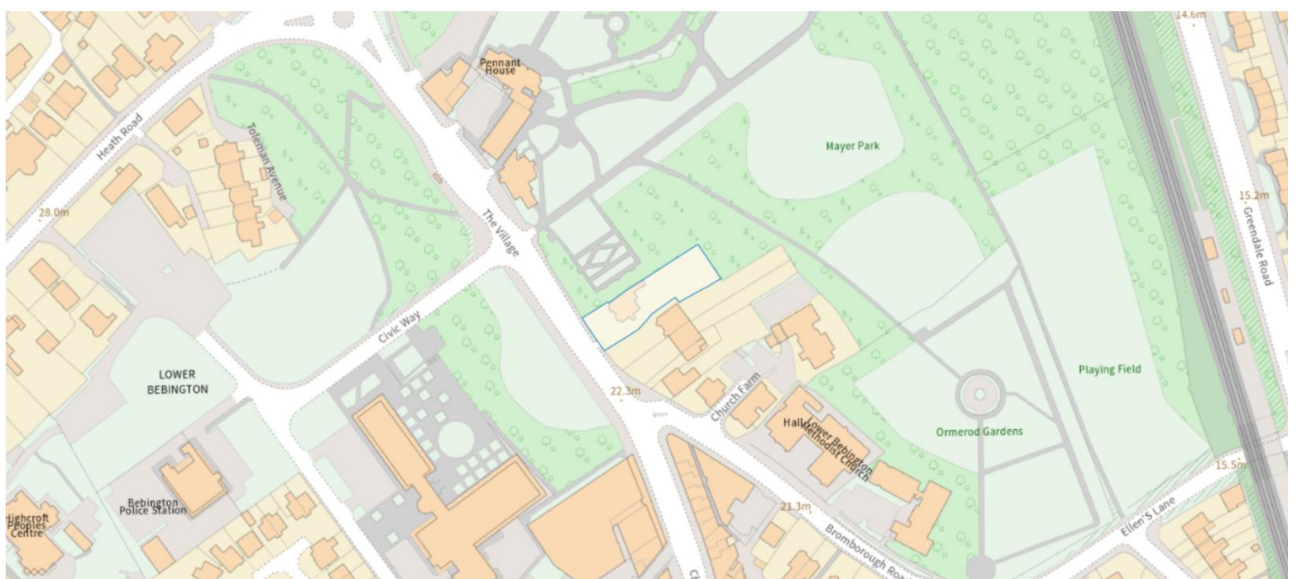
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Agenda Item 6

Planning Committee	9 th November 2023
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Reference:	Area Team:	Case Officer:	Ward:
APPH/23/00355	DM	Mr T Barton	Bebington

Location:	71 The Village, Bebington, Wirral, CH63 7PL
Proposal:	Re-instatement of gate and pier and part of wall to front; Excavation works to front, side and rear; Construction of car port to side; Demolition of rear extension; Construction of terrace and part basement level and part ground floor level extension to rear; Alterations
Applicant:	Mr N Robson
Agent :	Mr D Oldham Condy & Lofthouse Ltd



Qualifying Petition	No
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Development Plan designation:	Primarily Residential Area and Lower Bebington Conservation Area
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Planning History:	<p>LDP/23/00318 To replace timber frame windows with aluminium frames of visually similar appearance under permitted development rights section A.3 Approved but not yet implemented.</p> <p>APP/22/00084 Removal of two trees and part of boundary wall (retrospective) and installation of extended dropped kerb and re-instatement of piers and part of boundary wall to front; excavation works (retrospective) and installation of hard standing to front, side and rear; construction of car port to side; demolition of rear extension (part retrospective); construction of part single and part two storey extension, terrace and replacement dormer to rear; installation of dark aluminium windows to replace existing (retrospective); alterations Refused for the following reasons: 1. The proposed replacement/new windows by reason of their siting and design and the loss of the characterful/historic original windows would be detrimental to the character and appearance of the host house and the conservation area</p>
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contrary to National Planning Policy Framework (2021) Chapters 12 Achieving well-designed places and 16 Conserving and enhancing the historic environment, Policies HS11 House Extensions and CH2 Development Affecting Conservation Areas of Wirral's Unitary Development Plan and Supplementary Planning Guidance 11 House Extensions.

2. The proposed box dormer, by reason of its size, siting, design and loss of characterful existing dormer, would have a detrimental impact on the character and appearance of the host house and the conservation area contrary to the National Planning Policy Framework (2021) Chapters 12 Achieving well designed places and 16 Conserving and enhancing the historic environment, Policies HS11 House Extensions, CH2 Development Affecting Conservation Areas and CH3 Demolition Control within Conservation Areas of Wirral's Unitary Development Plan and Supplementary Planning Guidance 11 House Extensions.

3. The proposed hard standing/excavation works to front to form a vehicle parking area, by reason of its siting, size/surface area and the loss of trees/vegetation, would harm the character and appearance of the conservation area contrary to Policy GR5, GR7, CHO1 and CH2 of Wirral's Unitary Development Plan, Supplementary Planning Guidance 11 House Extensions and National Planning Policy Framework (2021) Chapters 12 Achieving well designed places and 16 Conserving and Enhancing the Historic Environment.

APP/21/01379

Demolition of existing rear extension. Excavation works to form a self-contained lower ground residential unit with associated external courtyard. Erection of a ground floor rear extension with outdoor terrace and rear dormer window. Widening of access and remodel of the driveway for additional off-street parking and erection of a detached car port.

Refused for the following reasons:

1. The proposed box dormer, by reason of its size, siting and design, would have a detrimental impact on the character and appearance of the host house and the conservation area contrary to the NPPF - Requiring Good Design, Policies HS11 - House Extensions, CH2 Development Affecting Conservation Areas, CH3 Demolition Control within Conservation Areas and SPG11 - House Extensions.

2. The proposed living conditions of the self-contained lower ground floor residential unit, by reason of the poor levels of light and outlook to the bedrooms and the lounge and the poorly designed access with regards to designing out crime, would be unsatisfactory contrary to NPPF paragraph 130(f), Policies HS4 - Criteria for New Housing Development and HS13 - Self-contained flat conversions and Supplementary Planning Document 2 - Designing for self-contained flat developments and conversions.

3. The proposal, by reason of the lack of arboricultural impact appraisal submitted, is not the right information for decision making contrary to NPPF paragraph 43.

Location: 71 THE VILLAGE, BEBINGTON, CH63 7PL
Application Type: Full Planning Permission
Proposal: Change of Use from Office to Dwellinghouse
Application No: APP/20/01744
Decision Date: 15/01/2021
Decision Type: Approve
Implemented.

Location: The Orchard, 71, The Village, Bebington. L63 7PL
Application Type: Full Planning Permission
Proposal: Erection of a first-floor extension at rear.
Application No: APP/88/06758
Decision Date: 16/12/1988
Decision Type: Approve
Not implemented.

	<p>Location: The Orchard,71 The Village ,Bebington ,L63 7PL Application Type: Full Planning Permission Proposal: Single storey extension to rear of offices to provide kitchen and W.C Application No: APP/84/25150 Decision Date: 31/07/1984 Decision Type: Conditional Approval Implemented.</p> <p>Location: The Orchard,71 The Village,Bebington,L63 7PL Application Type: Full Planning Permission Proposal: Change of use from residential to private office suite. Application No: APP/79/14316 Decision Date: 13/03/1980 Decision Type: Conditional Approval Implemented.</p> <p><u>Trees</u></p> <p>CA/19/0067. Permission granted to fell a Beech tree which was causing damage to the boundary wall and in close proximity to the neighbouring house. This appears to have been implemented with the removal of a tree to to the side of the driveway since 2019.</p>
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	<p>Councillor Lamb has requested that this application be decided by the planning committee due to the issues raised by objectors and the potential knock-on effects to other potential work in the conservation area.</p> <p>Councillor Williams has raised concerns about the unauthorised developments at the site.</p>
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>The Friends of Mayer Park have objected to the application on the following grounds: -</p> <ul style="list-style-type: none"> • Demolition of gate post and 2m of the front boundary wall to the right of the entrance of the drive. • Demolition of retaining wall around a tree to the left of the front entrance of driveway, exposing the root system and causing stress to the tree due to the ability of water retention provided by this retaining wall. • Removal of shrubs/tree(s) in the rear garden and the removal of the hedging that formed part of the boundary to the front of the house which, were burnt on site. • Demolishing of a two-storey tower block on the rear elevation which has already taken place to make way for the new extension. Black aluminium framed windows have then been installed to the rear elevation. • The proposed extension is over-development of the site. It's size and appearance are detrimental to the surrounding area and will have a significant impact on the setting of Mayer Park, an area of great historical importance and interest within the boundary of the Mayer Buildings and Legacy. Together with the buildings to the right of the house, these buildings are the last at this end of the old Village of Lower Bebington with the buildings on the other side of the road being lost to the Civic Centre and Council Offices. • Extensive lowering of the front garden and removal of shrubs lining the boundary with number 73 The Village thereby widening the current

	<p>driveway. Advantage is being taken under the current works to replace utility services in carryout this work in preparation for parking bays prior to planning consent.</p> <ul style="list-style-type: none"> • Overall fear for the protection of the conservation area due to a lack of compliance.
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	<p><u>CONSULTATIONS</u></p> <p><u>Highway Assets (prior to amended plans)</u></p> <p>No objection with informative.</p> <p>Informative:</p> <p>"Consent under the Highways Act 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 S184 Highway 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."</p> <p><u>Traffic and Transportation (prior to amended plans)</u></p> <p>No objection.</p> <ul style="list-style-type: none"> • The proposed works 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 SPD4 maximum standards. • Visibility at the site access onto The Village is also satisfactory. • Servicing to the development can be undertaken from The Village in similar fashion to neighbours and is a satisfactory arrangement. • It's unlikely the proposals 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 Traffic and Transportation objections to the proposal, subject to the widened access being approved by Wirral Highways. • The necessary works to The Village footway to construct the new vehicle access will require the following informative: <p>"Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access on the adopted highway. 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 S184 Highway 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."</p> <p><u>Tree Preservation Officer (Post Amended Plans)</u></p> <p>No objections to the revised proposal provided that a suitably worded condition secures the tree protection outlined in the Arboricultural method statement Rev F.</p> <p><u>Historic England (Consulted by reason of Historic England's Charter of Advisory Services required because the application proposes the extension of an existing</u></p>
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	<p><u>building within a Conservation Area and the application site is more than 1000 square metres: https://historicengland.org.uk/services-skills/our-planning-services/charter/when-we-are-consulted/proposals-for-development-management/)</u></p> <p>No comment.</p>
<p>3.1 Site and Surroundings</p>	<p>The application relates to a detached two storey dwelling with basement and loft floors. Mayer Park borders the northern side and eastern rear of the site. The B-classified The Village Road is located to the western front of the site.</p> <p>The building is set on a large plot and set back from the main highway. The properties located to the southeast of the site consist of a row of three terraced houses, which are set slightly to the rear of No.71. Opposite the site is the Bebington Town Hall frontage green space and after that the Bebington Town Hall.</p> <p>A single storey rear extension has been erected to provide a kitchen and staff toilets for the former office use of the building. The dormer window to the rear of the house appears to be original, or at least there since 2005 according to mapping images.</p> <p>The Lower Bebington Conservation Area Appraisal notes that: <i>"Ferry services to Liverpool expanded, whilst the Birkenhead Docks began, for the first time, to turn a profit. The ability of people to commute in large numbers to these centres of economic and industrial activity enabled the large-scale expansion of housing to occur in settlements like Bebington. Fine properties constructed during this period include The Orchard at no. 71 The Village, with more terraced and semi-detached properties springing up also, for example nos. 6-12 Bromborough Road and the Rectory to St Andrews Church. The 1874 OS map shows a succession of these substantial properties in their own grounds, mostly dating from sometime in the C19th."</i> [Bold added for emphasis].</p>
<p>3.2 Proposed Development</p>	<p>The following developments are proposed: -</p> <ul style="list-style-type: none"> • Construction of part two storey and part single storey extension and terrace to the rear. The terrace will also have a chimenea. This would also require the removal of a canopy to the rear, which does not require planning permission. • Construction of car port to the side. • Installation of gate to vehicle access. Planning permission required because adjacent to classified road and the gates are more than 1m in height adjacent to a highway in a conservation area. • Excavation to front, side and rear is proposed to allow for the lower ground floor rear extension, a sunken courtyard to the rear, external access to the lower ground floor to the side and a light well to the lower ground floor front. • Installation of new white aluminium windows to the basement front and to the first floor rear elevation. Planning permission required because the shape is different to the existing windows. <p>The demolition of the single storey rear extension. As the cubic content of the rear extension at 75 cubic metres exceed 50 cubic metres then this rear extension can be demolished subject to either the granting of prior approval or the granting of</p>

	<p>planning permission. Under the prior approval process, the only matters that can be considered are the method of demolition and the restoration of the site such as the hard surfacing below the extension and the restoration of the rear wall that would be exposed, neither of which are a concern. The Lower Bebington Conservation Area does not have an Article 4 Direction removing permitted development rights for the dwelling house.</p> <p>The access piers and front wall that have previously been removed without planning permission, despite needing planning permission, are now proposed to be restored as part of this application.</p> <p>The developments shown on the plans do not require planning permission: -</p> <ul style="list-style-type: none"> - The demolition of the two-storey rear toilet block (already removed). Does not require planning permission because the cubic volume is less than 50 cubic metres. The bricks that were used to infill the wall to the rear of the existing house are similar in appearance to the existing and therefore did not require planning permission. - The installation of porous hard surfacing to the front to replace the former hard surfacing of the driveway. - The installation of patio and path hard surfacing to the side and rear. - Installation of 2m high wall to the side of the extension to divide the front and rear garden areas. Planning permission not required as the height does not exceed 2 metres. <p>The plans have been amended with the following:</p> <ul style="list-style-type: none"> - Tree to front is no longer proposed to be removed. - Part of front boundary wall no longer proposed to be removed. - Installation of hard surfacing to the front garden to form off-street parking no longer proposed. - Installation of extended dropped kerb to front no longer proposed. - An updated arboricultural impact assessment and method statement to reflect the amendments made. - Plan accuracy amendments re the width of the existing access and the height of the existing walls to front.
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<p>3.3 Development Plan</p>	<p>Under the provisions of Section 70(2) of the Town and Country Planning Act 1990, 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.</p> <p>The adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the 'UDP') and the Joint Waste Local Plan for Merseyside and Halton.</p>
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Relevant policies of the UDP are:

Policy HS11 - House Extensions

This policy permits domestic extensions subject to proposals being of an appropriate scale in relation to the size of the plot and not unduly dominant; with regard had to the effect on light to and the outlook from neighbours' habitable rooms and to not result in significant overlooking. Policy HS11 also seeks proposals to replicate the design features of the existing dwelling and to be finished in matching materials.

GR5 Landscaping and New Development

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

- (i) include a clear specification of landscaping proposals indicating the species mix, the location, height and density of new planting, as well as areas of new ground modelling or other land features proposed;
- (ii) be appropriate in terms of the nature and location of the development proposed, the visual prominence of the site, the potential visual impact of the development and the character of the surrounding area;
- (iii) provide for new planting and for the protection, replacement or enhancement of existing features such as ponds, trees, bushes, shrubs or hedges including, where relevant, appropriate boundary treatment and provision for the protection of wildlife;
- (iv) take full account of the effect of proposals on visibility at access points, the effect of local climatic influences and the potential for misuse or erosion which may affect the appropriateness of landscaping proposals. Layouts that would leave landscaped areas which are not easily supervised, or which would prejudice the supervision of other sensitive areas of the site will be resisted.

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

Policy GR7 – Trees and New Development

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

Policy TR9 – Requirements for Off Street Parking

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

Policy CH2 – Development Affecting Conservation Areas

Development located within, adjacent to or otherwise affecting the setting or special character of a Conservation Area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance:

	<ol style="list-style-type: none"> 1. The distinctive characteristics of the Area, including important views into and out of the designated Area; 2. The general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces; and 3. The character and setting of period buildings and other elements and other elements which make a positive contribution to the appearance and special character of the area. <p>When granting consent, special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials proposed to be used.</p>
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3.4 Other Material Planning Considerations	<p>Lower Bebington Conservation Area Character Appraisal (2013)</p> <p>National Planning Policy Framework (2021) Chapters 9 Promoting Sustainable Transport, Chapter 12 Achieving well-designed places, Chapter 14 Meeting the challenge of climate change, flooding and coastal change, Chapter 15 Conserving and enhancing the natural environment and Chapter 16 Conserving and enhancing the historic environment.</p> <p>Relevant is the statutory duty of section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.</p> <p>Permitted development rights for householders Technical Guidance (MHCLG, 2019)</p> <p><u>Supplementary Planning Document 4 (SPD4) – Parking Standards</u></p> <p>This document sets out maximum limits for vehicle parking spaces.</p> <p><u>Supplementary Planning Guidance 11: House Extensions</u></p> <p>SPG11 states that it is always important to consider the specific character of the building being extended and to take account of the context of the property. Extensions built close to the boundary with a neighbouring property may have an adverse impact on the enjoyment of that property. Extensions should not be so large as to create an effect of over-dominance or cause significant visual intrusion or significantly impact existing light levels (daylight and sunlight).</p> <p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan 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</p> <p>As the Wirral 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:</p>
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	<p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • 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)” <p>Within the emerging local plan the site is designated within the Lower Bebington Conservation Area and Birkenhead to Eastham Conurbation Primarily Residential Area.</p> <p>Householder Applications</p> <p><u>Main policy:</u></p> <p>Policy WD 5 Residential Extensions</p> <p><u>Other supporting policies:</u></p> <p>Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking</p> <p>Policy WS 6 Placemaking for Wirral</p> <p>Policy WD 1 Landscaping including Trees</p> <p>Applications involving heritage</p> <p><u>Main policies:</u></p> <p>Policy WD2 Heritage Assets including Archaeological assets</p> <p>Policy WP4.1 Conservation Areas: Lower Bebington</p> <p><u>Other supporting policies:</u></p> <p>Policy WS 1.2 (H)(5) Conserve heritage assets</p> <p>Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking</p> <p>Policy WS 6 Placemaking for Wirral</p> <p>Policy WS 8 Strategy for Sustainable Construction including historic buildings</p>
<p>3.5 Assessment</p>	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • Principle of development; • Design and heritage; • Trees; and

	<ul style="list-style-type: none"> • Amenity.
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3.6 Principle of Development	In principle the proposal is considered acceptable subject to policies listed above.
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3.7 Design and Heritage	<p>In addition to the amendments made during the course of this application, the application differs to and has addressed the reasons for refusal on the previously refused planning applications with the following: -</p> <ul style="list-style-type: none"> - Retrospective consent for the replacement of the original white timber windows with grey aluminium windows is no longer proposed. Instead, their replacement with windows of white painted aluminium with shapes that will be similar in appearance to the windows that they replaced were approved under application ref. LDP/23/00318 as permitted development. The installation of one additional window to the second floor rear elevation that is also similar in appearance to the existing was also approved as permitted development under LDP/23/00318. The dark aluminium windows that have been installed without consent are liable to enforcement action and do not form part of this planning application. - A replacement box dormer is no longer proposed to the rear elevation. - No trees are proposed to be removed. - Reinstallation of a historic gate is proposed to the vehicle access. - An arboricultural impact assessment and method statement has been submitted with the application to ensure no harm to trees which form part of the character and appearance of the area. <p>The aspects of the proposal that still remain on the planning application, with the exception of the newly proposed gates to front, were not included as a reason for refusal on either of the previous two applications that were refused.</p> <p><u>Rear extension:</u></p> <p>The rear outrigger has already been demolished without the need for planning permission due to its small size, despite being shown on the existing plans. The existing plans show the site as it was prior to any recent works being commenced on the site. The single storey rear extension was approved in the 1980s and has an exposed felt roof with upvc windows, detracting from the character of the conservation area. Its removal would therefore be beneficial to the conservation area and in any case due to its small size as stated it could be removed under permitted development rights via a prior approval application in which the Local Planning Authority can only consider the method of demolition and the restoration of the site.</p> <p>Compared to the existing rear extension, the replacement extension is of a better designed legibly contemporary extension rather than a poorly designed pastiche extension such as through the use of aluminium instead of upvc windows, through the use of art-stone corning and through not using an exposed felt roof. The use of different levels to the extension helps to break up the mass and add visual interest. The proposed extension would cover up original windows to the lower rear elevation, but these could be infilled with matching brick or replaced with similar-in-appearance non-original windows without the need for planning permission and a single storey extension could be constructed to the rear of the</p>
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house covering rear windows without the need for planning permission. This would therefore not be reasonable reason for refusal.

The rear extension will be part basement level and part ground floor level and thus will be of low visibility from the surrounding park by reason of the boundary wall and substantial vegetative screening to the site's boundary. The depth of the extension will be smaller than the depth of the existing house and it will not project wider than the existing house. The flat roof proposed would reduce the mass of the extension comparative to a pitched roof extension. A large proportion of the site would still remain undeveloped, and the extension would cover the car parking area for the former offices on the site therefore not leading to loss of greenery on the site. It is therefore considered that the extension will appear subservient to the original house and would not constitute over-development of the site.

The rear extensions will read as a contemporary rather than a pastiche addition to the rear of the historic house with the use of a flat roof. The extension would however still give many design cues back to the historic house in that: -

- the walls are proposed to be reclaimed brick finish to complement the existing brick house.

- art-stone corning is proposed to the ground floor section of the extension to tie the proposal into the existing house which has stone corning above the ground floor bay windows to front and above the original porch to side.

- the paned design of the rear windows. These windows will be black painted aluminium, again helping to identify the extension is a distinct contemporary addition to the historic house whilst also taking design cues from the original house. The windows to the rear of the basement level extension will have lintels to complement the lintels above the existing windows to rear.

- Some elements of pitch to the rooves in the form of the roof lanterns.

- The rear terrace of the extension will feature iron railings and Victorian reclaimed tiles.

A condition is recommended for samples of the external materials and a brickwork panel of the extension to be submitted for approval to ensure that the materials will be complementary to those of the existing building. Subject to these details, I consider that the rear extension would have an acceptable design and would preserve the character and appearance of the conservation area in compliance with policies HS11 and CH2 of Wirral's Unitary Development Plan.

The side wall of the existing single storey rear extension forms the side wall of the site with Mayer Park and the proposed extension is also proposed to form the side wall of the boundary of the house with the park. Both existing and proposed side walls would be the same height, albeit with the proposal benefit of a felt roof not facing onto Mayer Park. The brick panel details would be expected to be such that the majority of the extension is designed to have bricks including the bond to be complementary to the existing house whilst the western side wall of the extension would be expected to have bricks including the bond to match with the existing boundary wall of the site.

Car port:

The car port to side will be made of a timber frame with a slate tile roof. Its size, siting and size are acceptable and would not have a detrimental impact on the

	<p>character and appearance of the host house or the surrounding conservation area. The hipped roof would be in-keeping with the existing house.</p> <p><u>Front Wall and Piers</u></p> <p>The front sandstone wall and piers are proposed to be re-instated as they were prior to unauthorised development, which is beneficial relative to what is on site now and neutral impact relative to what was on site prior to the unauthorised development.</p> <p>One of the piers was already showing damage in October 2009 and has since fallen off where there was a crack. The damage was likely due to the fixing and removal method of the original gate post, as there was a similar crack on the other gate post to the extent that the agent has stated that the tops of the piers were not fixed to the main body of the pier. The applicant removed the pier top to prevent further damage and removed the walls to prevent damage during works on the site. The top section of the pier that has fallen off is still available and would be re-used to restore the pier. The original stone for the wall that has been removed is still available and will be used for the re-instatement of the wall/piers. The agent has notes that the works will be undertaken by a specialist stonemason</p> <p>I recommend a condition that the wall and piers shall be re-instated within six months of the date of approval in accordance with more specific details which shall first be submitted to and approved in writing by the Local Planning Authority.</p> <p><u>Gate:</u></p> <p>The applicant has submitted a c.1890 photo showing a gate to the access to the house. The application now proposes to re-install this gate using black timber with a design to follow the historic gate. The gate would not be an overbearing height, at 1.2m to match the height of the adjacent sandstone walls and would help to better define the public and private realm. I consider that this aspect of the proposal would have a positive impact on the character and appearance of the conservation area.</p> <p><u>New windows</u></p> <p>The new windows that were not included in the LDP/23/00318 application, which mainly covered replacement of existing windows with the exception of one second floor rear window and are included in this proposal are the basement level windows to the front which will be sunken within the proposed light well to front and two windows to the first floor rear. These will be made of white painted aluminium with a mock sash design as indicated on the plans. These will be in-keeping with the white aluminium framed windows that were approved under the lawful development certificate that can be installed by permitted development sufficiently similar in appearance to the original windows and therefore I consider that the proposed windows will have an acceptable visual impact. The new windows to first floor rear are appropriately proposed to have lintels above in-keeping with the existing.</p> <p>Subject to the recommended details, it is considered that the proposal will have an acceptable design and heritage impact and will preserve the character and appearance of the conservation area in accordance with UDP policies HS10 and CH2 and in accordance with emerging local plan policies WD5, WD2 and WP4.1</p>
<p>3.8 Highways</p>	<p>The gates will be automatic to prevent parking on the classified road in order to open the gates. The proposed works 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 SPD4 maximum</p>

	<p>standards. Visibility at the existing site access onto The Village is also satisfactory. Servicing to the development can be undertaken from The Village in similar fashion to neighbours and is a satisfactory arrangement. It is unlikely the proposals will generate a significant level of traffic and it is therefore considered to have no material impact on the highway. I do not recommend an informative as advised by the Local Highway Authority because the dropped kerb to front is no longer proposed to be widened and the original access will now be retained. The proposal is acceptable with regards to highways.</p>
<p>3.9 Trees, ecology and landscaping</p>	<p>The removal of shrubs and hedges does not require planning permission and the proposal does not seek to do this. The proposal does not seek to remove any trees from the site either. Subject to compliance with the amended tree method statement as a condition, the proposal would not result in the loss of trees. The proposal is acceptable with regards to trees.</p> <p>Subject to compliance with the tree method statement, the proposal will not impact landscaping on the site to any great extent. However, in the interests of improving visual amenity in accordance with policy GR5 I recommend a condition that prior to occupation of the approved extension that more specific details of the proposed planting to the boundary shown on the proposed site plan shall be submitted to and approved in writing by the Local Planning Authority. The arboricultural impact assessment notes that 2 x Taxus Baccata Fastigiata trees of 200-220cm tree size are proposed but then the proposed site plan indicates that more planting to the eastern side boundary of the site is proposed.</p> <p>A bat survey submitted during the previously refused application which is still in date showed that the building has low value for roosting bats solely due to gaps identified along the eaves on the western elevation of the building suitable for crevice-dwelling bats. The proposed development will not affect any of the features that could be used by roosting bats which were noted on the building during the survey and therefore no impacts to bat roosts are anticipated.</p>
<p>3.10 Amenity</p>	<p>The basement is no longer proposed to be a self-contained unit and the proposal is therefore satisfactory with regards to living conditions for future occupiers. Sufficient rear garden space will be retained on site.</p> <p>There are no significant concerns with the impact of the proposal on neighbouring residential amenity. The only adjoining property is 73 The Village located to the south of the site. It has no side facing windows that could be impacted upon by the proposal and the rear elevation of the proposed rear extension will not extend further than the rear elevation of 73 The Village. 73 The Village is located to the south of the application site such that overshadowing would be minimal. The car port is sufficiently set back from the front bay window of 71 The Village to not have a significant impact upon it. The proposed rear terrace will be sufficiently set back (8m minimum) and screened from the rear garden of 73 The Village to not result in a significant loss of privacy given that it is a ground floor level terrace and the rear garden of 73 The Village is further to the east than the proposed terrace. The proposal will have an acceptable impact on neighbouring residential amenity.</p>
<p>Summary of Decision (Planning Balance)</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 the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-</p>

The proposal 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 is not considered to be detrimental to the character of the wider conservation area. The proposal complies with NPPF Achieving well-designed places and conserving and enhancing the historic environment, Policy HS11 - House Extensions, CH2 Development Affecting Conservation Areas, GR5 Landscaping and New Development, GR7 Trees and New Development of Wirral's Unitary Development Plan, Supplementary Planning Guidance 11 and policies WD5, WD2 and WP4.1 of the emerging local plan and is therefore considered acceptable.

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 and document received by the local planning authority on 07/03/2023, 19/09/2023, 03/10/2023 and 19/10/2023 and listed as follows: -

- 21-048-110 Revision F and 21-048-111 Revision E received on 07/03/2023;

- 21-048-130 Revision P received on 19/09/2023;

- the tree protection outlined in the Arboricultural Method Statement Ref. TRE/71TV/Rev F received on 03/10/2023; and

- 21-048-122 Revision G, 21-048-120 Revision Q, 21-048-141 Revision B and 21-048-121 Revision F received on 19/10/2023.

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

3. The construction of the rear extension and car port shall not take place until samples of the materials to be used in the construction of external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then 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 CH2 and HS11 of Wirral's Unitary Development Plan.

4. The construction of the rear extension shall not take place until sample panels of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The approved sample panels shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panels.

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 CH2 and HS11 of Wirral's Unitary Development Plan.

5. Before development commences on the approved re-instatement of piers and wall to front, full details and specifications of the approved re-instatement of piers and stone wall to front shall be submitted to and agreed in writing by the Local Planning Authority. The information submitted shall include details of all new materials (including reconstruction with the use of original material as a far as practicable), designs, stone samples, coping samples and finishes. The re-instatement of the pier and stone wall shall then be completed in accordance with the agreed details within six months of the date of this decision.

Reason: To ensure the completed boundary treatments help to preserve the character and appearance of the Conservation Area in accordance with policy CH2 of Wirral's Unitary Development Plan.

6. Before the windows and doors hereby approved are installed, details of their material (including the material of the lintel above), design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area in accordance with policy CH2 of Wirral's Unitary Development Plan.

7. Details of the species mix, height and density of new planting to the boundary shown on the approved site plan ref. 21-048-130 Revision P shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed extension. All planting, seeding and/or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the extension or the completion of the development, whichever is the sooner, and any planting 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: In the interests of improving visual amenity and in accordance with Policy GR5 of Wirral's Unitary Development Plan.

8. The measures contained in the approved arboricultural method statement ref. TRE/71TV/Rev to protect the health of existing trees during construction shall be implemented in full throughout the construction phase.

Reason: To prevent damage to trees in the interests of the visual

amenity of the area and to comply with Policy GR5 and GR7 of the Wirral Unitary Development Plan.

Last Comments By:	29/06/2023
Expiry Date:	12/07/2023

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Agenda Item 7

Planning Committee	9th November 2023
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Reference:	Area Team:	Case Officer:	Ward:
APP/23/00282	DM	Mr J McKee	West Kirby and Thurstaston

Location:	11 Caldý Road, West Kirby, Wirral, CH48 2HE
Proposal:	The demolition of the existing dwelling and outbuildings and the erection of a detached building containing 6 apartments with associated access, parking and landscaping.
Applicant:	Mr Gareth Pritchard
Agent :	NA

Qualifying Petition	Yes
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Site Plan:



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1. Development Plan designation:	Primarily Residential Area
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2. Planning History:	<u>Application Site</u>
	APP/21/01371 – Refuse, Appeal Dismissed 29.07.22 (APP/W4325/W/22/3291519)

Summary of Inspectors' Decision:

- Appellant advised that developer has contracted to purchase No. 9 and occupier of that neighbouring property has withdrawn objections to appeal scheme. However, I have been provided with no confirmation that sale has taken place, and even if it had, there is currently no planning approval in place. The application details which I have been provided with demonstrate developer's aspirations for No. 9 but are not in themselves indication that development proposed will actually take place. Council's objection to appeal scheme remains. I have therefore based reasoning on circumstances as they currently exist, and have given little weight to planning application relating to No. 9;
- The main issue is effect of proposal on living conditions of occupiers of 9 Caldly Road, with particular regard to outlook;
- Proposed development at No. 11 would follow existing front and side building lines of existing bungalow on site, but would be substantially deeper, extending further into rear garden. As existing bungalow at No. 11 is sited off centre on plot, the side elevation of proposed apartment block would be very close to shared boundary with No. 9;
- Habitable room windows have been removed from side elevation of proposed apartment block to avoid direct overlooking. However, rear bedroom windows on upper floors of proposed apartment block would overlook private rear garden of No. 9, albeit obliquely, causing further harm to living conditions of occupiers of that property;
- Submitted sunlight and daylight report shows that in midsummer, any overshadowing to No. 9 caused by proposed building would be minimal. However, report shows that on 21 March, there would be significantly increased overshadowing to rear windows of the main part of the bungalow and patio area during morning hours. Whilst remaining part of garden would be unaffected, the area of garden closest to bungalow is more likely to be used more, particularly during winter months. The overshadowing effect would exacerbate the harm that would be caused to rear part of the dwelling and most sensitive part of garden at No. 9;
- Semidetached house at 13 Caldly Road (No. 13) is sited at slightly higher level than adjoining bungalow at No. 11. The property is well set back from street, with similar front building line to adjacent bungalows, but a shorter rear garden. As a result, the proposed apartment block would extend almost as far as end of the garden at No. 13;
- Proposed building would significantly affect outlook from side windows at ground floor of No. 13, but these windows serve a bathroom and study so are less sensitive than other, habitable rooms. The proposed 'cut out' of building at first and second floor levels would help mitigate impact on the garden, and partial screening would be provided by existing pitched roof outbuilding at No. 13, immediately adjacent to shared boundary with No. 11;
- Overall, proposal would introduce large building in very close proximity to No. 13, resulting in feeling of enclosure to side of house and the rear garden. However, effect would not be such as to cause unacceptable harm, and would not, on its own, justify dismissing appeal;
- I have found that proposal would cause significant harm to living conditions of occupiers of No. 9 with regard outlook. There would also be some loss of privacy to the rear garden. Consequently, proposal would conflict with Policy HS4 of the Wirral Unitary

	<p>Development Plan 2000 (UDP) which requires, amongst other considerations, that proposals for new housing development are of scale which relates well to surrounding property. There would be further conflict with paragraph 130 of National Planning Policy Framework (the Framework), which requires a high standard of amenity;</p> <ul style="list-style-type: none"> • In terms of the social objective, proposal would provide 6 apartments of acceptable size, in an area with good access to local services and facilities. Scheme would help boost housing supply in Wirral, and could be built out quickly. However, in context of overall housing shortfall, net addition of 5 units would make little difference, and contribution towards meeting identified housing needs would be small. The social benefits would therefore be modest; • When viewed from street, proposal would be of an acceptable design, and appropriate conditions could be imposed to ensure scheme would be acceptable in terms of biodiversity. The proposal would be acceptable in terms of highways and drainage. These matters, which represent a lack of harm, are neutral in the planning balance; and • Proposal would provide modest social and economic benefits, but these are not sufficient to outweigh significant harm which would be caused t living conditions of the occupiers of No. 9. <p><u>9 Caldy Road</u></p> <p>APP/22/00977 – Demolition of the existing dwelling and the erection of six apartments with associated alterations to site access, parking and landscaping – Conditional Approval 28.08.22</p> <p><u>7 Caldy Road</u></p> <p>APP/1910918 – Demolition of the existing dwelling and the erection of a detached building containing 6 apartments with associated access, parking and landscaping (amended plans received 20 March 2020) – Approve 04.05.20.</p>
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3. Summary Of Representations and Consultations Received:

3.1. Ward Member Comments	No comments received
3.2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 33no. notification letters were sent to properties on 05.04.23. In response, 1no. petition was received on 28.04.23 objecting to the development signed by 37no. individuals. The reasons for objection stated on the petition are summarised below:</p> <ol style="list-style-type: none"> 1. The same developer has increased density of road by building apartments at no.7 and no.6 mews properties opposite; 2. Development proposed represents overdevelopment in small space on what is a busy road; and 3. Takes away from area which is primarily family housing bordering a conservation area and development is not in keeping.

	<p>7no. representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> • Lack of privacy/overlooking impact; • Loss of outlook for existing surrounding neighbours; • Height and scale of development; • Out of character and impact to visual amenity of immediate area; • Overdevelopment of site; • Disruption resulting from development; • 1Loss of garden; • Reduction in ecological value; • Adverse daylight and sunlight impact to surrounding dwellings; • Not clear application can be approved until certainty around implementation of re-development of no.9 actioned; • Impact to potentially roosting bats; • Cumulative impact of no's. 7, 9 and application site being re-developed perspective of overwhelming feature on streetscene along Caldly Road; and • Impact to traffic/congestion.
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	<p><u>CONSULTATIONS</u></p> <p>Traffic and Transportation – No objection subject to conditions and informative</p> <p>Highways Assets – No objection subject to informatives</p> <p>MEAS – Stated objection noting date of submitted information. Revised Ecological and Bat Surveys submitted; re-consultation undertaken; no comment stated.</p> <p>Tree Preservation Officer – No objection subject to conditions; There is one mature tree on the site a beech tree. The tree is in fair condition. There are a number of small trees and ornamental trees with little significance in the landscape.</p>
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<p>4. Site and Surroundings</p>	<p>The application site is 0.265 acres, occupied by a detached bungalow.</p> <p>To the north, east and south, the site is bound by residential properties and gardens. The adjacent properties at no. 9 and no. 13 comprise a bungalow and a two-storey dwelling respectively. The adjacent properties are both set off the shared boundary and have no facing habitable side windows.</p> <p>The site falls within a designated Primary Residential Area as set out in the Wirral Unitary Development Plan 2000.</p>
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<p>5. Proposed Development</p>	<p>The proposal seeks planning permission for the demolition of the existing dwelling and replacement with a 3-storey building hosting 6no. self-contained apartments set within landscaped gardens.</p> <p>The proposed building is designed to be broadly in keeping with the flatted development approved at no.7 Caldly Road (LPA ref: APP/19/01918) and</p>
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	<p>no.9 Caldly Road (LPA ref: APP/22/00977 in relation to design, form and scale.</p> <p>The proposed building is designed to read as a large single dwelling and is set back from Caldly Road by circa 23.5m. The proposals measure approximately 7.4m to the eave's height and approximately 11.03m to the ridge. With consideration of existing changes in level, the proposed ridge height of the proposals would be 0.2m higher than the ridge height of the adjacent existing two storey dwelling at no.13 Caldly Rd. As such, the proposed height would be in keeping with the adjacent semi-detached pair when viewed from Caldly Road.</p> <p>The site slopes from the back to the front as well. This results in a significant change in level between the development site and the properties to the rear off Kirby Park Road. The proposed ridge height of the proposals is therefore 2.32m lower than the ridge height of the neighbouring properties to the rear (east) when considering the changes in level.</p> <p>The proposals include a new widened 4.5m wide access off Caldly Road to serve 6 off-street car-parking spaces, cycle storage, bin store and associated landscaping.</p>
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<p>6. Development Plan</p>	<p>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.</p> <p>The adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the 'UDP') and the Joint Waste Local Plan for Merseyside and Halton:</p> <p>Relevant Policies of the UDP are:</p> <p>URN1 Development and Urban Regeneration</p> <p>GR5 Landscaping and New Development</p> <p>GR6 Greenspace within New Family Development</p> <p>GR7 Trees and New Development</p> <p>NCO1 Principles for Nature Conservation</p> <p>NC7 Species Protection</p> <p>HS13 – Self-Contained Flat Conversions</p> <p>LAN1 Principles for Landscape</p> <p>TRT1 Provision for Public Transport</p> <p>TR11 Provision for Cyclists in Highway and Development Schemes</p>
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	<p>TR12 Requirements for Cycle Parking</p> <p>WAT1 Fluvial and Tidal Flooding</p> <p>WAT2 Protection of the Water Environment</p> <p>WA3 Development and Groundwater Protection</p> <p>WA5 Protecting Surface Waters PO2 Development near Existing Sources of Pollution</p> <p>PO3 Noise</p> <p>PO4 Noise Sensitive Development</p> <p>Relevant policies of the Joint Waste Local Plan for Merseyside and Halton are:</p> <p>WM8 Waste Prevention and Resource Management</p> <p>WM9 Sustainable Waste Management Design and Layout for New Development</p>
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<p>7. Other Material Planning Considerations</p>	<p><u>The National Planning Policy Framework (2021)</u></p> <p><u>Wirral SPD2 – Designing for Self-Contained Flat Development and Conversions (2006)</u></p> <p><u>Wirral SPD4 – Parking Standards (2007)</u></p> <p><u>Technical Housing Standards – Nationally Described Space Standard</u></p> <p><u>Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Strategy)</u></p> <p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan 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</p> <p>As the Wirral 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:</p>
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	<p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. 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 3. 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>The following emerging plan policies are relevant to the determination of this planning application:</p> <p>WS1 The Development and Regeneration Strategy for Wirral 2021-2037</p> <p>WS2 Social Value</p> <p>WS3 Strategy for Housing</p> <p>WS5 Strategy for Green and Blue Infrastructure, Open Space, Biodiversity and Landscape Protection</p> <p>WS6 Placemaking for Wirral</p> <p>WS7 Principles of Design</p> <p>WS9 Strategy for Transport</p> <p>WD1 Landscaping</p> <p>WD3 Biodiversity and Geodiversity</p> <p>WD6 Self-Contained Flats</p> <p>WD14 Pollution and Risk</p> <p>WM6 Waste Management</p>
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<p>8. Assessment</p>	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies taken as a whole should be refused unless material considerations justify granting permission. Similarly, proposals which accord with the Development Plan should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan as whole and then take account of other material considerations.</p> <p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of development;
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	<ul style="list-style-type: none"> • Impact to the Character of the Surrounding Area; • Impact to Residential Amenity; • Highways; • Trees; and • Nature conservation.
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<p>8.1. Background to Application</p>	<p>Application APP/21/01371 was refused on the basis of its impacts on neighbouring no.9 Caldy Road, with the LPA concluding the proposed development would result in an overbearing form of development and create a poor outlook for occupiers of the adjacent dwelling (no.9). This application was subsequently dismissed at appeal (APP/W4325/W/22/3291519) as summarised within this report. This application, largely reflects the refused application which was refused and dismissed at appeal.</p> <p>Application APP/22/00977 was approved at Planning Committee 15.12.2022 for the redevelopment of neighbouring no. 9 Caldy Road, involving the demolition of the existing dwelling and the erection of a flatted development accommodating 6no. apartments with associated alterations to site access, parking and landscaping 28.08.22.</p> <p>At the point of the submission of this application, the applicant was in the process of purchasing no.9 Caldy Road. During the course of this application, the sale advanced to the point of completion. This was confirmed within a letter submitted to the LPA by the applicant's legal representatives. The applicant has also submitted 2no. applications seeking to discharge conditions attached to application APP/22/00977 (which are pending consideration by officers) affecting the re-development of no.9. Officers are satisfied, from the evidence submitted, the applicant has demonstrated adequate intent for the re-development of no.9 to the point where it is appropriate for an application for the re-development of no.11 to be determined. Notwithstanding, should this application be granted planning permission, a Grampian style condition is recommended to be attached to the permission, prohibiting any above ground development granted planning permission through this application to occur until the existing dwelling at no.9 has been demolished.</p> <p>Noting the above, the proposed development does not need to be assessed against any impacts to the residential amenity of any occupier of no.9 in its current form; noting the dwelling is vacant, that it has been confirmed the site is within the ownership of the applicant and the existing dwelling, will be required to be demolished, prior to the full building-out of the proposed scheme affecting the application site.</p>
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<p>8.2. Principle of Development</p>	<p>Chapter 5 of the NPPF (July 2021) "Delivering a sufficient supply of homes", states the Government's objective of significantly boosting the supply of housing within the UK. Paragraph 60 states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.</p> <p>The site is designated as part of a Primarily Residential Area where new housing development is acceptable in principle subject to compliance with all the criteria in UDP Policy HS4 and the Government's objective of</p>
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	<p>significantly boosting the supply of housing within the UK, as set out within the NPPF paragraphs 60, 74 and 119.</p> <p>NPPF paragraph 124 takes into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.</p> <p>Paragraph 125 states 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.</p> <p>The proposed residential development in a residential area is therefore considered acceptable in principle in accordance with UDP Policy HS4 and the NPPF, subject to compliance with all other relevant outlined planning policies.</p>
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<p>8.3. Impact to the Character and Appearance of Surrounding Area</p>	<p>NPPF paragraphs 126 - 136 provides guidance on design in developments. Paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.</p> <p>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 changes in the character of the area. Appropriate landscaping and boundary treatment which relates the proposed development to its surroundings should be incorporated into development proposals.</p> <p>The Supplementary Planning Document on Designing for Self-Contained Flat Development and Conversions states that applicants will be expected to show how good design and layout has been taken into account through drawings and design statements that show how the proposed development will fit in with surrounding properties and within the wider setting of the area. Poor design or development that fails to take the opportunities available for improving the character and quality of the area are unlikely to be approved.</p> <p>The surrounding area is characterised predominantly by residential properties. The buildings in the area are of varying designs and form as well as having a mix of materials.</p> <p>Regards quality of accommodation, all units represent dual aspect accommodation, have access to private amenity space and exceed the NDSS regards floorspace standards. The proposal is for 6 two bed flats that could accommodate four people in each residential unit, the NDSS states that the minimum internal floor area should be 79m², each flat exceeds this, the smallest being 91.5m² to the third floor flats being no smaller than 111.7m².</p> <p>Policy GR5 of the UDP states that in order to secure the protection and enhancement of visual amenity, the Local Planning Authority will require</p>
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	<p>applicants to submit full landscaping proposals before full planning permission is granted.</p> <p>The communal soft landscaped area equates to 30% of the site, meeting the requirements of SPD2 – Designing for Self-Contained Flat Development and Conversions. This is in addition to private outdoor amenity space provided in the form of balconies and patios. The proposed landscaping provisions ensure that the development accords with the green and leafy character of the area.</p> <p>Representations received express concern around increasing the density on site, that the proposed development represents overdevelopment and that the proposal is not in keeping with the area. The proposal would be approximately 0.15m higher than the approved ridge height at no. 9, and 0.2m higher than the existing dwelling at no.13. Officers acknowledge the varying character of the area; with the immediate area having both detached and semi-detached typologies of largely 2/3 storeys as well as flatted development and non-residential uses. Officers do not view the proposed development as at odds with the existing streetscene; particularly when viewed in tandem with the neighbouring sites approved for re-development. Officers conclude the proposed development would have no impact; noting the site’s location; on the nearby conservation area; The West Kirby Old Village Conservation Area; a designated heritage asset; located approximately 86m north of the application site.</p> <p>Subject to the attachment of safeguarding conditions regarding the materials used in the development and the landscaping provisions, it is concluded that the development would complement the visual amenity of the immediate street scene and the wider local area.</p>
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<p>8.4. Impact to Residential Amenity</p>	<p>HS13 (Self-Contained Flat Conversions) sets out that for proposals for the conversion of existing buildings into self-contained flats, proposals must ensure the privacy of neighbours and occupants and sets out a detailed criteria for adherence to. Adopted SPD2 states that development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties.</p> <p>Paragraph 130(f) of the NPPF sets out that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.</p> <p><u>Impact to 9 Caldvy Road</u></p> <p>Application APP/22/00977 approved the demolition of the existing dwelling on the plot of no.9 Caldvy Road and the construction of 6no. self-contained apartments. As set out within this report, the development proposed under this application cannot be implemented, unless the existing dwelling at no.9 has been demolished. On this basis; this permission being reliant on the approved development at the neighbouring site being built out, officers have assessed the proposed development, on that as approved on neighbouring no.9 rather than the existing situation.</p> <p>The proposed development is by-in-large, a design closely reflecting that as approved at no.9. Windows within the northern side elevation; toward the shared boundary, are to be obscured; which would be secured through a condition should development be permitted. The proposed height also</p>
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matches that as approved on the neighbouring site; measuring approximately 11m to the ridge. Noting the site context; the orientation, it is not understood the development proposed would result in unacceptable adverse daylight/sunlight impacts to occupiers of no.9. Further, windows are obscured in the side elevation of the development proposed, and those approved at no.9. On this basis, outlook implications would be negligible.

Impact to 13 Caldy Road

The existing dwelling 13 Caldy Road is sited at a slightly higher level than the existing dwelling at no. 11. The property is well set back from the street, with a similar front building line to the adjacent bungalows, but a shorter rear garden. As a result, the proposed apartment block would extend almost as far as the end of the garden at no. 13.

There are already a number of outbuildings within the rear garden of the application site sited along the shared boundary with no. 13, which would be removed, and the proposed building would be sited slightly further away from the shared boundary. Nonetheless, the proposal would introduce a substantial amount of built form close to the house and garden of no. 13, which would be far larger in scale than the existing modest outbuildings.

The Inspector noted within the dismissed appeal report affecting the application site (appeal ref.: APP/W4325/W/22/3291519) for a scheme almost identical to that as proposed under this application (however this application has a “cut-out” within its northern-eastern corner; closest to the shared boundary with no.13):

“...overall, the proposal would introduce a large building in very close proximity to No. 13, resulting in a feeling of enclosure to the side of the house and the rear garden. However, the effect would not be such as to cause unacceptable harm, and would not, on its own, justify dismissing the appeal”.

Proposed plans do not include any non-obscured windows on the southern side elevation. Whilst it is acknowledged that the proposal results in an increase in height and massing on the application site, noting in particular the orientation of the site and the proposed scale and form of the proposed, it is concluded it would not have an unacceptable adverse impact on the living conditions of the occupiers of no.13; to the extent to warrant a reason for refusal when considering the potential for loss of sunlight and daylight sunlight standards for the neighbouring occupiers. Nor would the proposed development result in any unacceptable adverse impact related to outlook, privacy or sense of enclosure.

Other

The proposed development is set back from Clady Road by 23m and over 31m away from the facing properties to the rear. The proposed development would therefore not have any impact on the facing properties to the front (south west) and to the rear (north east).

The proposed development safeguards the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.

8.5. Highways

The following UDP policies have been taken into account in this section:

- UDP strategic policy TRT1 (Provision For Public Transport);
- UDP Strategic policy TRT2 (Safeguarding Land For Highway Schemes);
- UDP strategic policy TRT3 (Transport And The Environment);
- UDP policy TR9 (Requirements for Off-Street Parking);
- UDP policy TR10 (Cycle Routes Proposal);
- UDP policy TR11 Provision for Cyclists in Highway and Development Schemes; and
- UDP Policy TR12 (Requirements for Cycle Parking)

Wirral SPD4 Parking Standards is also a material consideration in the assessment of the proposals.

The site is located off the adopted highway and within a private boundary. The level of in-curtilage car parking allows for each apartment has 2 parking spaces in accordance with the SPD4 standards. The tandem arrangement of the parking spaces is also acceptable in this instance, as the two spaces are for one apartment and can therefore be suitable managed.

The proposed ground floor level cycle storage accords with TR12 requirements of one cycle parking space per apartment.

There is satisfactory turning provision within the car-park so vehicles are able to enter and leave in a forward gear.

The proposed widening of the existing vehicle access to 4.5m allows for two vehicles to pass one another and the access affords appropriate visibility. Traffic and Transportation have raised no objection to the proposals.

The objections raised by third parties regarding highway safety, congestion, parking design and construction have been duly considered in the assessment of these proposals.

The usual requirement for any additional network modelling is when a development produces 30 or more trips in any given hour. The Consultee outlines regards vehicle trip rates, for a 6-apartment development, it could be expected that 3no. vehicles would be added to the network within both the AM and PM peak periods when the network is most trafficked.

It is very unlikely that all 12 cars will leave and arrive at the same time. Their arrival and departure patterns would be at various times due to the location where they are going to, at what time they need to leave, when they start their working day. The above is only an indication of the expected trips, but on this basis, it is concluded that there would be no highway impact from the development and any additional traffic generation could be expected within the normal daily fluctuations of traffic within the network. Highways also advised that the combination of the proposed on-site car parking and

	<p>on-street car parking provisions would be sufficient for visitor parking and servicing.</p> <p>As such, there would be no requirement for the development to provide further capacity assessment of the network or any junction analysis.</p> <p>It is considered that the development proposals would have a minimal impact on the surrounding area in highway terms and therefore remain acceptable.</p> <p><u>Waste and Recycling</u></p> <p>The Joint Waste Local Plan for Merseyside Policy WM9 (Sustainable Waste Management Design and Layout for New Development) sets out that the design and layout of new developments must, where relevant, provide measures as part of their design to:</p> <ul style="list-style-type: none"> • Address the facilitation of collection and storage of waste; • provide sufficient access to enable waste and recyclable materials to be collected and transported; • accommodate home composting in dwellings with individual gardens; and • facilitate small scale, low carbon combined heat and power in major new employment and residential schemes where appropriate. <p>The bin storage and recycled goods area is considered appropriate and allows for kerbside collection, the bins being stored adjacent to the entrance and within the private boundary to the development.</p> <p>Subject to a safeguarding condition for the above-mentioned refuse provisions the development would accord with policy WM9 of the Merseyside and Halton Joint Waste Local Plan and the National Planning Policy for Waste (paragraph 8), which set out measures as part of design strategies for waste collection and recycling.</p> <p><u>Construction Methodology</u></p> <p>The Merseyside and Halton Joint Waste Local Plan Policy WM8 Waste Prevention and Resource Management, the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) require the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable.</p> <p>The development can be delivered without causing any impact on the highway network or residential amenity. However, a Construction Management Plan would be secured by way of condition to ensure there is no detrimental impact on the highway network or residential amenity.</p>
<p>8.6. Trees</p>	<p>An Arboricultural Impact Assessment has been prepared by Tree Solutions which assesses the development proposal in relation to trees and is summarised below.</p> <p>BS 5837: 2012 contains clear and current recommendations for a best practice approach to the assessment, retention, and protection of trees on</p>

	<p>development sites. The proposed development has followed this guidance by:</p> <ul style="list-style-type: none"> • Seeking arboricultural advice and undertaking a stage 1 preliminary tree survey in order to inform the layout and design of the proposed development; • Respecting the constraints posed to development of the site by high or moderate quality trees; and • Acting upon arboricultural advice throughout the design process in order to obtain the best development proposal whilst considering the current and future tree requirements; <p>The existing trees on site include a Beech tree (Category B tree) and 10 Category C trees in accordance. All trees on the site are to be removed as part of the development proposals.</p> <p>Section 2.6 of The Strategy outlines where the loss of existing trees and hedgerows can be fully justified through a site specific arboricultural assessment, provision will be required for replacement plantings in a suitable location with equivalent or more compatible species. Section 3.4 provides more details around this matter regards replacement planting expectations.</p> <p>The Tree Officer was consulted on this application. The consultee outlines, in accordance with Section 3.4 of The Strategy, 25no. trees should be replanted as replacements. Officers conclude this is excessive given the size and condition of the trees being removed and the size of the site and the space constraints imposed by the proposed development. Officers conclude 8-10 replacement trees of suitable species is appropriate and sufficient, to provide adequate mature tree coverage without coming into future conflict with the scheme in line with the concept of 'the right tree in the right place', to ensure trees reach maturity in the urban environment. For example, ensuring adequate separation distances between trees and new buildings.</p> <p>There is however no definitive indication of the species and position for the replacement trees and there needs to be provision made for new planting within the submitted method statement.</p> <p>Noting the above and the specific details of this application, officers state no objection to the application and conclude the proposed development suitably in accordance with The Strategy and relevant outlined policies, subject to conditions surrounding a detailed landscaping scheme, tree protection measures, compliance with the submitted Arboricultural Method Statement and a condition requiring details about replacement tree species and sizes.</p>
<p>8.7. Nature Conservation</p>	<p>NPPF Paragraph 180 and UPD Policy NC7 (Species Protection) seek to ensure that development would not have an adverse effect on wildlife species protected by law.</p> <p>The applicant has submitted the following reports, in accordance with UDP policy NC7:</p> <ul style="list-style-type: none"> • Preliminary Ecological Appraisal (amended), 11 Caldby Road, West Kirby, Wirral CH48 2HE (Tyrer Ecological Consultants Ltd, June 2021), hereafter 'the 2021 PEA';

	<ul style="list-style-type: none"> • Dusk Survey Results, 11 Caldys Road, West Kirby, Wirral CH48 2HE (Tyrer Ecological Consultants Ltd, August 2021), hereafter 'the 2021 bat report'; • Updated Site Visit to check the ecological status of the site remains the same as of 2021 Ecological report. Letter from Tyrer Ecological Consultants Ltd., 8th June 2023; hereafter 'the 2023 PEA letter' and • Dusk Survey Results, 11 Caldys Road, West Kirby, Wirral CH48 2HE (Tyrer Ecological Consultants Ltd, June 2023), hereafter 'the 2023 bat report'. <p>MEAS were consulted on this application and state that the reports are accepted and that the reports state no evidence of roosting bat use or presence was found. On this basis, the consultee advises that the Council does not need to consider the proposals against the three tests (Habitat Regulations).</p> <p>The report categorises the garage (B2) as having <i>moderate</i> suitability for roosting bats and this habitat will be lost to facilitate development. To compensate for this loss, it is advised that bat box provision as recommended in section 6.0 of the 2023 Dusk Survey Results report commissioned by the applicant is secured by a suitably worded planning condition. Further, habitats on site and adjacent to the site provide foraging and commuting habitat for bats. It is advised lighting for the development may affect the use of these areas and therefore a lighting scheme should be designed so that it protects ecology and does not result in excessive light spill onto the habitats or areas in line with NPPF (paragraph 180). A condition is recommended to secure this also.</p> <p>On advise from the consultee, officers also recommend conditions regarding reasonable avoidance measures, breeding birds protections and removal of invasive plant species.</p> <p>In conclusion it is deemed that there will be no significant adverse effects arising from the proposed scheme on the conservation objectives or the qualifying features of the designated sites. Subject to the attachment of conditions, the proposed development would accord with NPPF paragraphs 180, 181 and 182 and UDP Policy NC7.</p>
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<p>9. Summary of Decision (Planning Balance)</p>	<p><u>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</u> Considering the individual merits of this application the recommendation to grant planning permission has been taken having regards to the relevant Policies and Proposals in the Wirral UDP (Adopted February 2000) Joint Waste Plan and all relevant material considerations including national policy advice.</p> <p>Subject to conditions, the proposed development would preserve the character and appearance of the surrounding area and safeguard neighbouring residential amenity and not result in any harm in terms of highway and biodiversity matters. As such the development accords with the objectives of Wirral's Unitary Development Plan, the Joint local waste plan and the National Planning Policy Framework.</p>
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10. Recommended Decision:

Conditional Approval

Recommended Conditions and Reasons:

1. The development hereby permitted shall begin no 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 listed as follows:

LOC/01 rev. B (Location Plan)

PLAN/01 rev. E (Proposed Site Plan)

PLAN/02 rev. C (Proposed Ground & First Floor Plans)

PLAN/03 rev. C (Proposed Second Floor & Roof Plans)

PLAN/04 rev. D (Proposed West & South Elevations)

PLAN/05 rev. D (Proposed East & South Elevations)

PLAN/06 (Bin & Cycle Store Details)

PLAN/07 rev. A (Existing & Proposed Caldy Road Streetscene Sections)

PLAN/08 rev. A (Existing & Proposed Sections Through 11 Clady Road)

PLAN/09 rev. A (Existing Dwelling Plans Elevations)

Dusk Survey Results, Issue No. 1, Tyrer Ecological Consultants, 08.06.23

Updated Preliminary Ecological Appraisal, Tyrer Ecological Consultants 08.06.23

Preliminary Ecological Appraisal, Tyrer Ecological Consultants 13.02.21

Dusk Survey Results, Tyrer Ecological Consultants, 12.08.21

Arboricultural Impact Assessment & Method Statement, Tree Solutions. Arboricultural Consultants, ref. 20/AIA/WIRR/81, June 21

Topographical Survey, dwg. no. 8788/01

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

3. No development above ground shall take place until the adjacent dwelling at no.9 Caldy Road as shown on the hereby approved Location Plan (ref. LOC/01 rev. B) and Proposed Site Plan (PLAN/01 rev. E) and edged in blue has been demolished.

Reason: In the interests of amenity

4. The facing materials to be used in the external construction of this development hereby approved and set out in the PLAN/4 Rev. D (Proposed West & North Elevations) & PLAN/5 Rev. D (Proposed East & South Elevations) shall be used in the construction of the development unless agreed otherwise in writing with the Local Planning authority.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

5 Prior to occupation of the development hereby approved, all windows in both side elevations of the building hereby approved shall be fixed and obscurely glazed on installation and remain as such thereafter.

Reason: In the interest of residential amenity.

6. Prior to the commencement of any works to the superstructure (other than demolition), a detailed scheme for landscaping will be submitted to and approved in writing by the Local Planning Authority.

The scheme shall comprise of a plan and specification and demonstrate:

- a. The materials to be used for hard and soft surfacing;
- b. Tree and hedge planting across the site (including a minimum of 10no. trees)
- c. Detailed planting plan and specification for soft landscaping of land
- d. The location and design of fences, gates, walls, railings or other means of enclosure
- e. The timing of implementation of the scheme; and
- f. The development shall be carried out strictly in accordance with the approved details. The development shall not be first occupied until the landscaping scheme has been implemented in full and the scheme shall be retained for the life of the development.

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

7. Prior to first occupation of the development hereby approved details of the arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be submitted to and agreed in writing by the Local Planning Authority. The approved arrangements for the storage and disposal of refuse including recycling facilities and vehicle access thereto shall be implemented prior to the first occupation of the development hereby approved.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Joint Waste Local Plan.

8. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and retained as such thereafter.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

9. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and that does not result in excessive light spill onto the habitats in line shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented in accordance with those details prior to the occupation of the development hereby approved and retained as such thereafter.

Further guidance is available at the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

10. Prior to first occupation, a scheme for the provision of bird nesting/bat boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. 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: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

11. No tree felling, scrub clearance, vegetation management, ground clearance or building works is 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 trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: In the interests of habitat protection

12. No development hereby approved shall take place (including ground works and vegetation clearance) until a method statement, prepared by a competent person, has been submitted to and approved in writing by the local planning authority. The Method Statement shall include, but not limited to the following:

- A plan showing the extent of the Three-cornered Leek, Himalayan Cotoneaster and Virginia Creeper;
- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of if treatment/removal is required.

Thereafter the development shall be carried out in accordance with the approved method statement

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

13. No plant or materials shall be brought onto site until Root Protection Area fencing and Ground Protection has been installed in accordance with the submitted tree protection plan and specification. (Drawing number 03) within the Arboricultural Impact Assessment and Method Statement by Tree solutions.

Thereafter:

Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification, without prior approval of the arboricultural consultant and / or the local planning authority.

The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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 and Policy GR7.

14. The Arboricultural Method Statement in Appendix 5 and Tree Protection plan 21/AIA/WIRR/81 03 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 page 13 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 and Policy GR7.

15. Prior to the occupation of the development hereby approved, a tree replacement strategy showing a minimum of 10 new replacement trees of a minimum heavy standard size shall be submitted to and approved in writing by the Local Planning Authority. The tree replacement strategy shall comprise of a plan and specification of the number, species, size and location of all replacement trees and a method statement to secure the sustainable planting of trees.. The approved Tree replacement Strategy must be adhered to and implemented in full during the first planting season following the first occupation of the development or the completion of the development, whichever is sooner.

Any trees which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation".

Reason: To ensure that the development does not result in a loss of tree canopy cover having regards to the NPPF and the Wirral Tree, Hedgerow and Woodland Strategy.

Informative:

A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developer's expense, to the LA specifications and written approval. For further details contact Highways & Infrastructure, area manager via www.wirral.gov.uk

Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. 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 S184 Highway 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.

Last Comments By:

16-07-2023

Expiry Date:

19-April-2023

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Planning Committee – Terms of Reference:

The principal role of the Planning Committee is to act as the administrative committee responsible for making decisions as local planning authority on planning applications, development control and similar regulatory matters, which are more particularly described as *Functions relating to town and country planning and development control* and related matters as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Committee is charged by full Council to fulfil those functions:

- (a) to consider and determine applications submitted under the Planning Acts for planning permission, listed building consent, and reserved matters pursuant to major planning applications;
- (b) to consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations;
- (c) to determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused;
- (d) related matters including but not limited to:
 - (i) applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
 - (ii) applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
 - (iii) applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003, as amended);
 - (iv) applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);
 - (v) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (vi) powers related to Commons Registration;
 - (vii) functions relating to public rights of way;
 - (viii) the licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980; and
 - (ix) functions relating to Town and Village Greens;

- (e) to exercise any other function of the Council under the Planning Acts and related legislation, whether as a local planning authority or otherwise, which may be referred to it by the Director for Economic and Housing Growth or other officer authorised by him/her.