



## Planning Committee

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| <b>Date:</b>  | Thursday, 14 March 2024                 |
| <b>Time:</b>  | 6.00 p.m.                               |
| <b>Venue:</b> | Committee Room 1 - Birkenhead Town Hall |

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

PLEASE NOTE: Public seating is limited therefore members of the public wishing to attend are asked to register their attendance in advance by emailing [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk). Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)

This meeting will be [webcast](#)

## AGENDA

1. WELCOME AND INTRODUCTION
2. APOLOGIES FOR ABSENCE
3. MINUTES (Pages 1 - 4)

To approve the accuracy of the minutes of the meeting held on 8 February 2024

4. **APP/23/00551: THE GRANGE, GRANGE ROAD, WEST KIRBY, WIRRAL, CH48 4EE DEMOLITION OF HOUSE AND OUT BUILDINGS TO PROVIDE 12 APARTMENTS TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AND WORKS INCLUDING THE RELOCATION OF THE SUBSTATION. (AMENDED DESCRIPTION) (Pages 5 - 28)**
5. **RVC/23/01413: 100 & 102 MEOLS DRIVE, CH48 5DB SECTION 73**

**APPLICATION FOR THE VARIATION OF CONDITION 2 OF  
CONSENTED SCHEME REF APP/20/01716 TO REMOVE  
BASEMENT AND PROVIDE PARKING AT GROUND LEVEL,  
TOGETHER WITH INTERNAL LAYOUT ALTERATIONS AND TO  
PICK UP AN ERROR IN THE APPROVED SOUTH ELEVATION  
PLAN (Pages 29 - 52)**

**6. 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.

**Planning Committee Terms of Reference**

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

## PLANNING COMMITTEE

Thursday, 8 February 2024

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| <u>Present:</u> | Councillor  | S Kelly (Chair) |                 |
|                 | Councillors | S Foulkes       | B Kenny         |
|                 |             | H Gorman        | J Stewart Laing |
|                 |             | K Hodson        | G McManus       |
|                 |             | C Baldwin       | S Powell-Wilde  |
|                 |             | M Booth         | J Walsh         |

### 56 WELCOME AND INTRODUCTION

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

### 57 APOLOGIES FOR ABSENCE

No apologies for absence were received.

### 58 MINUTES

**Resolved – That the minutes of the meeting held on 11 January 2023 be approved.**

### 59 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 declarations were made.

### 60 APP/23/00551; THE GRANGE, GRANGE ROAD, WEST KIRBY, WIRRAL, CH48 4EE, DEMOLITION OF HOUSE AND OUTBUILDINGS TO PROVIDE 12 APARTMENTS TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AND WORKS INCLUDING THE RELOCATION OF THE SUBSTATION.

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

An objector to the application, Mr Holmes addressed the Committee.

Ward Councillor Jeff Green addressed the Committee.

The applicant's agent, Mr Sacarello addressed the committee.

Following an issue identified during Councillor Green's representation, the Development Management Manager clarified that the consultation period in respect

of the above application had erroneously been displayed as still open on the Council website until 17 February 2024 despite ending in December. This was due to an automated system function which amended the date of the consultation when a response from a consultee was recorded. In order to maintain the fairness of the application process, the Lead Principal Lawyer therefore strongly advised that the application should be deferred to a future meeting, as the public had a legitimate expectation that they should be able to make comment on the application up until the date displayed on the website.

On a motion by Councillor Stuart Kelly and seconded by Councillor Steve Foulkes it was:

**Resolved – That the consideration of the application be deferred to a subsequent meeting of the Planning Committee.**

61 **APP/22/00573; FARM, PARK ROAD, MEOLS, CH47 7BE, CONVERSION OF AN EXISTING SINGLE STOREY HAY BARN INTO A 2 BEDROOM DWELLING (RESUBMISSION OF APPLICATION NUMBER 21/01378 REFUSED DATED 15TH OCTOBER 2021)**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration. The Development Management Manager referenced the updated addendum to the report which included an amendment to Condition 2, alongside the inclusion of a further condition (Condition 9).

Ward Councillor Andrew Gardner addressed the committee.

On a motion by Councillor Stuart Kelly and seconded by Councillor Kathy Hodson, it was:

**Resolved (10:1) – That the application be approved subject to the following conditions:**

1. **The development hereby permitted shall begin not later than [3] years from the date of this decision.**
2. **The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 05/04/2022 & 16/08/2023 and listed as follows:**
  - **2768.P1**
  - **2768.P1 Rev A**
  - **20 018 05 Rev A**
  - **20 018 06 Rev A**
  - **FRA Rev 4 Base Energy**
  - **Full Structure Report CASE**
3. **No development involving the use of any facing materials and driveway materials shall take place until samples or details of the materials to be used in the construction of external surfaces of the building and hard**

standing have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The driveway shall be laid and completed using the agreed materials prior to the first occupation of the dwelling hereby approved.

4. The development shall be carried out in accordance with the submitted flood risk assessment (ref: March 2022/Flood Risk Assessment Rev4/Base Energy Service Limited) and the following mitigation measures it details:
  - Finished floor levels shall be set no lower than 0.3 metres above existing floor levels.
  - Flood resilient and resistant construction technology to be incorporated into the design and fabric of the building.
  - Residents/occupant to register to receive flood warning information from the Environment Agency.
  - A flood management plan to be prepared and adopted by the resident/ occupant.
  - Incorporation of simple SuDS techniques within the surface water drainage design of the Page 35 development. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
5. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/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 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.
6. No works are to be carried out within a minimum of 5 metres of the top of the bank to the north of the site due to potential proximity to water vole, details of methods of protection to this zone are to be submitted for approval prior to any ground works.
7. 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 bat boxes, bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing

comprised in the approved details of landscaping shall be carried out in the first planting and seeding season 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that order), no development in classes A, B, D, E or F of Part 1 Schedule 2 to that order shall be carried out on the site without the prior written consent of the Local Planning Authority.
9. No development shall take place until a Foul Drainage Assessment has been submitted to and agreed in writing with the Local Planning Authority. The septic tank shall be installed in full accordance with the approved Foul Drainage Assessment prior to the occupation of the dwelling hereby approved and shall be retained for use thereafter.

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# Agenda Item 4

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| <b>Planning Committee</b> | <b>14th March 2024</b> |
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| <b>Reference:</b> | <b>PS Development Code</b> | <b>Case Officer:</b> | <b>Ward:</b>               |
| APP/23/00551      | Q01 - Major Dwelling       | Mr P Roberts         | West Kirby and Thurstaston |

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| <b>Location:</b>  | The Grange, Grange Road, West Kirby, Wirral, CH48 4EE   |
| <b>Proposal:</b>  | Demolition of house and outbuildings to provide 12 apartments together with associated parking, access and landscaping and works including the relocation of the substation.<br><br>(Amended Description) |
| <b>Applicant:</b> | Prospect Capital UK   |
| <b>Agent:</b>     | Mr Benedict Sacarello, WSP  |

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| <b>Reason for referral to Planning Committee</b> | <ol style="list-style-type: none"> <li>1. Called-in by Councillor Green - size and scale of development is out of keeping with local character. Potentially prejudicial to highway safety</li> <li>2. Petition of 40 signatures objecting to the proposal</li> <li>3. 37 individual representations in objection received.</li> </ol> |
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**Site Plan:**



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| <b>1. Development Plan designation:</b> | Primarily Residential Area<br><br>Adjacent to a Site of Biological Importance. |
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| <b>2. Planning History:</b> | None relevant. |
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| <b>3. Summary Of Representations and Consultations Received:</b> |
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| <b>3.1 Ward Member Comments</b> | <p>Councillor Green objects:</p> <ul style="list-style-type: none"> <li>• the size, prominence and dominant nature will detrimentally impact on the street scene and amenity of local residents.</li> <li>• The size, mass and scale of the development is not in keeping with nearest residential properties.</li> <li>• Concern with the access and egress points with significant, detrimental impact given the volume of additional traffic, exacerbated by the poor sightlines and visibility in the Gerard Road / Grange Road / proposed access.</li> </ul> |
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| <b>3.2 Summary of Representations</b> | <p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, a site notice and press notice were published, and 47 notification letters were sent to neighbouring properties on 16 May 2023 and 14 November 2023. In response, 1no. petition was received on 14 December 2023 objecting to the development signed by 40 individuals.</p> <p>The reasons for objection stated on the petition are summarised below:</p> <ol style="list-style-type: none"> <li>1. To re-iterate the objections previously made by neighbouring occupiers in letter and on-line</li> </ol> <p>34 representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> <li>• Overdevelopment of the site and excessive scale for area with mainly 2 storey housing (see Section 8.3)</li> <li>• Increased traffic and highway safety issues on Gerard Road and at junction with Grange Road (see Section 8.6)</li> <li>• Number of larger residential developments locally exceeds capacity of local services (see Section 8.2)</li> <li>• Increased cost of maintenance of Gerard Road (unadopted) falling on residents (<i>Officer comment: Not a material planning consideration. Costs associated with the road are a private matter</i>)</li> <li>• Overbearing design of key viewpoint out of West Kirby (see Section</li> </ul> |
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8.3)

- Insufficient parking and no visitor parking (see Section 8.6)
- No pavement on Gerard Road, used by school children and others. This development would further prejudice safety (see Section 8.6).
- Potential flooding issues (see Section: 8.7)
- Increased noise disturbance (see Section 8.4)
- Light pollution from cars to properties opposite (see Section 8.4)
- Conjoined with a 39 scheme opposite (allowed on appeal) this would increase local traffic significantly (see Section 8.6)
- Impact on privacy to neighbouring properties (see Section 8.4)
- Further loss of Victorian and Edwardian architectural character (see Section 8.3)
- Overshadowing from building (see Section 8.4)
- Wasteful demolition of an existing building (see Section 8.9)
- No need for another 14 flats in the area (see Section 8.2)
- Loss of natural habitat (see Section 8.7)
- No affordable housing provided on-site (see Section 8.5)

Three additional comments were received following the deferral of the item at the 8<sup>th</sup> February 2024 Planning Committee. The new comments made are in summary:

- Site is not adjacent to Westheath Court as suggested in original Committee Report (*Officer comment: Westheath Court occupies the neighbouring plot*)
- Transport Statement contains inaccurate and out of date data and draws the wrong conclusions (*Officer comment: The Transport Statement has been reviewed by the local highway authority who raise no objection, see also Section 8.6*)

No representations supporting the application were received.

### **CONSULTATIONS**

- Traffic and Transportation: No objection, subject to conditions and informative.
- United Utilities: No objection subject to pre-commencement drainage condition.
- MEAS: No objections subject to conditions and legal agreement on recreational pressure mitigation.
- Highways Assets: Initial consultation response raised a query over land ownership in respect of access to the site off Gerard Road. The applicant has since confirmed that the section of land adjacent to Gerard Road, and across which the proposed new access will pass, is unregistered. Highways Assets have no objection to the development subject to conditions (9 and 12) and informative.
- Environmental Health: No objections.
- Historic England: Does not wish to offer advice on this case.
- Tree Officer: No objections. Planning conditions recommended in respect of an Arboricultural Method Statement and Tree Protection.
- Natural England: HRA (Habitats Regulations Assessment) screening required.
- Housing: Under both the existing UDP and the emerging Wirral

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|  | <p>Local Plan, the site is within an area requiring 20% affordable housing, and in accordance with Council Policy should be delivered onsite. The applicant should demonstrate the rationale for its position.</p> <ul style="list-style-type: none"> <li>• Wirral &amp; Cheshire Badger Group: No objection to development subject to appropriate condition.</li> </ul> |
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| <b>4. Site and Surroundings</b> |   |
| 4.1                             | The application site comprises a single dwelling house located on the northern side of Grange Road at the junction with Gerard Road. Due the location on an elevated position on Grange Hill, the building is prominent in views coming away from West Kirby standing clear of other residential housing with a tree lined back drop. The surrounding area is predominantly residential and formed primarily of two storey detached and semi-detached housing, save for the 3-storey block of flats to the north of this site on Gerard Road. |
| 4.2                             | The existing building on site is of a red brick with a grey slate tiled roof. It has some two-storey bay features and 4 large chimneys. The house was built in 1897, has been used as a school but more recently in residential use. The site includes a number of outbuildings, a substation and is currently accessed off Grange Road.  |

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| <b>5. Proposed Development</b> |   |
| 5.1                            | The application proposes the demolition of the existing house and outbuildings, and the development of a 3 and 4 storey building situated approximately at the centre of the site orientated in a similar fashion to the existing building, facing west at a slight angle to the Gerard Road frontage. Finished in brick with some sandstone banding, the building has been amended during the course of the application to one which has a 3/4 storey central block flanked by two comparable three storey elements with hipped roofs, front gable features and integral balconies (the original submission was three storey in appearance rising to 4 storeys adjacent to Grange Road). The central piece has a three-storey appearance at the front elevation and four storeys at the rear. A large proportion of the front, rear and Gerard Road elevations are glazed, the one facing the neighbouring block of flats being predominantly brick. The roof material is proposed to be grey slate and the two road facing elevations incorporate repeated integral glazed balconies. |
| 5.2                            | The building would have a staggered profile being progressively deeper into the site from north to south with some excavation and land-forming to enable the depth of the building and to create a small sunken courtyard at the rear enclosed by a new retaining wall. The area to the front of the building would be largely hardstanding to allow for parking, and an additional access is proposed off Gerard Road with a one-way system for vehicles, exiting from this new access point. The amended application proposes a total of 12 flats (3 x 2 bed and 9 x 3 bed), two of the three beds being built over two levels with a mezzanine within the fourth floor. The  |

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|     | number of units is two less than originally submitted.   |
| 5.3 | An existing substation will be relocated to the front of the site, adjacent to the access driveway and parking spaces, within an area that will also incorporate bin stores, landscaping, sandstone wall and cycle store |

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| <b>6. Development Plan</b> |  |
| 6.1                        | 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. 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 for Merseyside and Halton (adopted 18 July 2013).  |
| 6.2                        | <p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application:</p> <p>Part 1 Policies</p> <ul style="list-style-type: none"> <li>• Policy URN1 Development and Urban Regeneration</li> <li>• Policy URN2 Planning Agreements</li> <li>• Policy HSG2 Affordable Housing</li> <li>• Policy NCO1 Principles for Nature Conservation</li> <li>• Policy TRT3 Transport and the Environment</li> <li>• Policy GRE1 – The Protection of Urban Greenspace</li> <li>• Policy LAN1 Principles for Landscape</li> </ul> <p>Part 2 Policies</p> <ul style="list-style-type: none"> <li>• Policy CH25 Development Affecting Non-Scheduled Remains</li> <li>• Policy GR5 Landscaping and New Development</li> <li>• Policy GR7 Trees and Development</li> <li>• Policy HS4 Criteria for New Housing Development</li> <li>• Policy HS6 Principles for Affordable Housing</li> <li>• Policy TR9 Requirements for Off-Street Parking</li> <li>• Policy TR12 Requirements for Cycle Parking Policy</li> <li>• Policy NC1 Protection of sites of International Importance for Nature Conservation</li> <li>• Policy NC2 Sites of International Importance for Nature Conservation</li> <li>• Policy NC3 Protection of Sites of National Importance for Nature Conservation</li> <li>• Policy NC4 Sites of National Importance for Nature Conservation</li> <li>• Policy NC5 The protection of Sites of Local Importance for Nature Conservation</li> <li>• Policy NC6 Sites of Biological Importance</li> <li>• Policy NC7 Species Protection</li> <li>• Policy NC8 Local Nature Reserves</li> <li>• Policy WA1 Development and Flood Risk</li> </ul> |

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|     | <ul style="list-style-type: none"> <li>• Policy WA2 Development and Land Drainage</li> <li>• Policy WA3 Development and Groundwater protection</li> <li>• Policy WA4 Safeguarding Water Resources</li> <li>• Policy WA5 Protecting Surface Waters</li> <li>• Policy PO3 - Noise</li> </ul>                                    |
| 6.3 | <p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18<sup>th</sup> July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul> |

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| <b>7. Other Material Planning Considerations</b> |  |
| 7.1  | <p><b><u>The National Planning Policy Framework (2023)</u></b></p> <p>The National Planning Policy Framework (December 2023) is a material consideration in planning decisions and the following sections contain policies relevant to the determination of this application. The full text of the Framework can be found at <a href="http://www.gov.uk">www.gov.uk</a>.</p> <p>Section 2 – Achieving sustainable development<br/> Section 5 - Delivering a Sufficient Supply of Homes<br/> Section 8 - Promoting Healthy and Safe Communities<br/> Section 9 - Promoting Sustainable Transport<br/> Section 11 - Making Effective Use of Land<br/> Section 12 - Achieving Well-Designed and Beautiful Places<br/> Section 14 - Meeting the Challenge of Climate Change, Flooding, and Coastal Change<br/> Section 15 - Conserving and Enhancing the Natural Environment<br/> Section 16 Conserving and enhancing the historic environment</p> |
| 7.2  | <p><b><u>The Emerging Local Plan</u></b></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 of October 2022. Hearings commenced in April 2023 and concluded in November 2023. The local plan and supporting evidence base can be viewed online at <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></p> <p>As the Wirral Local Plan has been submitted for examination it (and the</p>   |

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|     | <p>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> <ol style="list-style-type: none"> <li>1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>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</li> <li>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).”</li> </ol> <p>The following emerging plan policies are relevant to the determination of this planning application:</p> <p>WS1, WS2, WS3, WS5, WS6, WS7, WS8, WS9, WS10, WD1, WD2, WD3, WD4, and WD6</p> |
| 7.3 | <p>Wirral SPD2 - Designing for Self-Contained Flat Development and Conversions (2006)</p> <p>Wirral SPD4 - Parking Standards (2007)</p>  |
| 7.4 | <p>Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)</p>   |

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| <b>8. Assessment</b> |   |
| 8.1.1                | <p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Design and impact on local character</li> <li>• Residential Amenity</li> <li>• Housing</li> <li>• Highways</li> <li>• Ecology and biodiversity</li> <li>• Trees and landscaping</li> <li>• Flooding and Drainage</li> <li>• Other Material Considerations</li> </ul> |

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| <b>8.2 Principle of Development</b> |   |
| 8.2.1                               | <p>There is a presumption in favour of sustainable development under the terms of the NPPF. Paragraph 11 indicates that development should be approved if it accords with an up to date development plan without delay, or where there are no relevant policies or the most important policies are out of date, permission should be granted unless policies in the NPPF that</p> |

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|       | protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.  |
| 8.2.2 | The application site falls within a Primarily Residential Area as identified on Wirral's Unitary Development Plan proposals map. Within such areas, the development or re-development of land for residential purposes is acceptable in principle, subject to the objectives of saved UDP Policy HS4 amongst other site-specific material considerations. The provision of additional residential units is welcomed. The scheme will deliver 9 x 3 bed homes supporting a current need for larger family sized homes (there is no policy test in respect of flats or houses) and 3 x 2-bedroom flats and in doing so it will help to meet local and national housing targets.  |
| 8.2.3 | The proposals represent the redevelopment of a single residential dwelling on a site which includes a significant amount of inefficient internal and external space. The proposal would optimise the use of land creating an additional 11 households on the same site within a building constructed to modern energy efficiency standards. The developer also intends to adopt a fabric first approach to energy efficiency which follows the energy hierarchy alongside measures to audit and re-cycle waste (para. 8.91). Alongside contemporary Building Regulations requirements the approach taken will help to off-set the carbon impacts associated with the loss of the existing house and realise the development potential of the site. The modest increase of 11 units is not considered to undermine the provision of local services to any significant extent. |

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| <b>8.3 Design &amp; impact on local character</b> |   |
| 8.3.1   | Policy HS4 states that proposals for new housing development within Primarily Residential Areas will be permitted subject to the proposal fulfilling all of a set of criteria including: being of a scale which relates well to surrounding property in particular with regard to scale of existing densities and form of development, and not resulting in a detrimental change to the character of the area. Paragraph 131 of the NPPF states that, the " <i>creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.</i> " Paragraph 135 sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; establish or maintain a strong sense of place; optimise the site potential and create safe, inclusive and accessible spaces. Paragraph 139 states that development that is not well designed should be refused. The NPPF should be read alongside the National Design Guide (2021). Paragraph 21 of the Design Guide advises that a well-designed place is achieved through making the right choices at all levels, including: the layout; the form and scale of buildings; their appearance; landscape; materials; and their detailing. |
| 8.3.2   | Policy WS7.1 of the Submission Draft Local Plan requires that development proposals demonstrate that they have addressed design principles. These principles include (but are not limited to): being visually attractive and  |

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|       | positively enhance the character, the appearance and setting of the surrounding area; ensuring that the density, height, scale, massing and siting is appropriate in context; providing for the protection and enhancement of existing healthy trees and hedgerows of visual and wildlife value; and providing or protecting high quality landscaping including unifying features such as gates, piers, walls, boundary treatment between public and private areas.  |
| 8.3.3 | The application proposes the demolition of the buildings on-site and the erection of a single block with a similar orientation but greater footprint than the existing house. The existing building does have character and is a notable structure in the streetscene. However, it is not a designated or non-designated heritage asset, and its loss is considered acceptable in policy terms, in the context of a new residential development, subject to the requisite design quality and other material considerations.  |
| 8.3.4 | The site is a prominent one on Grange Hill, the immediate area is predominantly characterised by two storey semi-detached housing, many having trees within their grounds. That said, this site does sit immediately adjacent to a block of flats facing onto Gerard Road, although the visibility of this building is limited within the wider streetscene because of the sloped nature of Grange Hill, neighbouring housing and the local tree coverage.   |
| 8.3.5 | Given the prominent location, the design and scale of the development takes on particular importance in assessing the impact of redevelopment on the streetscene. The existing site context is of a building with its own unique character, being in appearance if not scale, different from the more recently built and largely uniform semi-detached or detached houses found locally. Consequently, this site has an established history of built form unique from that of the prevailing pattern of development in the area and an assessment of proposals on the site should have regard to that context.   |
| 8.3.6 | Moreover, whilst the area on the opposite side of Grange Road is currently open fields, it does have, via a Planning Inspectorate decision (Wirral Ref: OUT/22/1305), permission for the development of 39 homes of varying scale. As such the character of the area will, if the scheme is developed, be subject to further change.   |
| 8.3.7 | The original submission had a 3/4 storey building with the taller element towards the southern edge of the site approaching the Grange Road junction. Due to the particulars of this location, the four-storey portion of the building would have been located at the point of this site's maximum visibility, situated in a gap between mature trees that frame much of the site and would, alongside a somewhat disjointed architectural expression, been an out of scale and discordant construction to the detriment of local character.   |
| 8.3.8 | The amended proposal comprises a connected block formed of a three/four storey building, flanked by two comparable wings, set slightly down in scale. The building's central element which is three-storey at the front and four to the largely hidden rear, incorporates generous glazing and integral balconies set within repeated gable fronted vertical elements, with the flank structures being shorter with the second-floor flats contained partly within the roof and as such reading as 2.5 storeys. The corner piece picks up on the front elevation as it turns into Grange Road, thereby creating a building which actively fronts both facing streets, with the only mainly blank |

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|        | elevation facing towards the blank façade of a neighbouring apartment building.  |
| 8.3.9  | The proposed building would utilise brick and sandstone reflecting materials historically used locally and also in part the structure that would be lost. The proposed design will serve to break up scale of the building with it being stepped back further at regular intervals along the Gerard Road frontage and through the use of the recessed linking elements. In combination with the proposed variance in height, these design choices will diminish the scale of the building, making it sit more comfortably in its setting and not dominating it. Importantly, the amended scheme has been lowered sufficiently so that the built form would fall below the tree line and therefore sit framed within the Grange Hill setting, particularly when seen from views upwards on Grange Road.   |
| 8.3.10 | As noted, the local built character is one predominantly of two storey large housing, often with tall roofs and chimneys with the notable exception of the block of flats immediately adjacent to this proposal on Gerard Road. The existing apartment building whilst having limited visual presence beyond its immediate setting, does provide some context for this proposal in addition to the other neighbouring properties. The proposed building because of its design and scale would both respect the scale of local houses in addition to the adjoining flatted development. Indeed, the maximum ridge height of this development would only be approximately 12 cm taller than that of the existing house whilst sitting below the height of existing chimneys. Hence, the additional scale associated with this building is primarily focussed on the added width of built form and not height. As noted, most of the trees of site will be retained and therefore much of the development would be screened by trees and like its neighbour set back away from, and above Gerard Road, and not compromise the character of this street. |
| 8.3.11 | Taken together it is considered that the design approach is one of quality which will be beneficial to West Kirby. This would be a visually attractive building that respects local character and sense of place whilst optimising the potential of the site to deliver increased numbers of housing. The materials chosen are well considered and would be conditioned to ensure that the quality is manifested in its final construction, as would the details of the substation and cycle parking. Subject to condition the design accords with saved UDP Policy HS4, the NPPF and the National Design Guide.   |

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| <b>8.4 Residential Amenity</b> |  |
| 8.4.1                          | The application site is set within an established residential area, with neighbouring dwellings surrounding it to the north and west. The proposed siting of the building broadly mirrors that of the existing structure adding built form to either side. The elevations to the rear and south do not face on to residential property as it stands and would not introduce overlooking issues of concern to future development. The northern elevation has limited openings looking over the front driveway of the adjoining flatted scheme with no direct overlooking of neighbouring windows. Potential issues with |



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|       | <p>the scheme are concerned with the interaction with the housing on the opposite side of Gerard Road. Although there is an established residential facing relationship, this development is of greater scale with more windows, more occupants and greater opportunity for overlooking. However, due to the nature of the site, the proposed building would sit above the ground floor front windows of houses opposite with any direct views coming from the first and second floor of the proposed flats. In this case, the nearest direct window interface would be in the order of 38 metres across an existing public space (Gerard Road). With the substantial landscaped treatment to the front and differences in levels, for instance the top floors of this building would look over the roofs of properties opposite, it is not considered that the proposal would significantly impinge on neighbouring amenity as regards to privacy. Likewise, it is considered there would be no significant overshadowing or sense of enclosure for surrounding residents which would unacceptably impact on the reasonably expected enjoyment of their homes given the separation distances. No significant harm is likewise considered to arise in respect of outlook.</p> |
| 8.4.2 | <p>It is inevitable with development that some disturbance will occur during construction, however this would be temporary and subject to other legislation. As noted, the site is heavily screened and in addition to the proposed landscaping details, the application has been amended to incorporate hedging and a timber fence adjacent to car parking to ensure that light pollution from the site by cars would not compromise on or off-site amenity. Given the additional number of occupants there is the potential for noise and activity from new residents, however, the form and scale of development is not considered to be disproportionate to the setting, being adjacent to an existing block of apartments and next to an A-road. Within this context any noise disturbance associated with the new housing over and above what would be usual in such a location would likely be very minor. A condition on the proposed external lighting strategy for the site is also recommended to preserve neighbouring amenity.</p>   |
| 8.4.3 | <p>The proposed units would have floorspace in excess of the nationally described space standards and provide acceptable levels of outlook for these dual aspect units. The apartments would benefit from integral terraces and a shared amenity space set within the grounds. Overall, the scheme would allow for a high standard of amenity for occupiers and also safeguard the amenity of neighbouring residents.</p>   |

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| <b>8.5 Housing</b> |   |
| 8.5.1              | <p>The scheme proposes 12 dwellings, greater than the threshold of 10 above which affordable housing can be sought under the terms of the National Planning Policy Framework. In this part of the Borough affordable housing should be provided on-site at 20% of total units, which would equate to at least two dwellings out of the 12 meeting the NPPF definition of affordable housing. Given the limited number of affordable units that would be present and the difficulties and cost efficiency implications that would be present in terms of management, an off-site contribution is thought appropriate in this instance, that being 4% of the overall market value of the site. In that regard, a RICS Valuation Report has been submitted the contents of which</p> |

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|  | are agreed. The housing contribution that this proposal would result in is £240,200 which would be secured via a s106 legal agreement. |
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| <b>8.6 Highways</b> |   |
| 8.6.1               | The development is supported by a Transport Statement. The findings of the report are accepted by the Council's Traffic and Transportation team, and it is considered unlikely that the impact from the development would cause significant highway safety issues or harm to the current operations of the network. The site is to be accessed from Grange Road and egress from the development is onto Gerard Road and by its junction back on to Grange Road. Visibility and sightlines have been tested and are satisfactory.  |
| 8.6.2               | The traffic demand has been assessed from interrogations of the TRICS (Trip Rate Information Computer System) database, which is a collection of surveys of similar type developments, and the category Residential – Houses Privately Owned was used, as this gave the greatest traffic production values for the assessment. The TRICS data showed that during the AM and PM Peak periods, when the network is most trafficked, the residential development (of 14 units at that stage prior to amendment) would generate somewhere in the region of 7 two-way trips in either of these periods. This equates to a single vehicle added to the network every eight minutes, and naturally would be less for the amended scheme. Such a low level of traffic does not raise any highway safety or network capacity concerns and the conclusions presented in the Transport Assessment are accepted by Traffic and Transportation as representing a robust appraisal of the proposed street conditions and development traffic generations. This includes factoring into account the recent 39 home scheme on the opposite side of Grange Road. Moreover, it will not significantly impact on pedestrian flows including that of school children. |
| 8.6.3               | Collision data for the most recent 5-year period has been reviewed and there are no trends or reasons to object to the development due to highway safety. A recent speed survey conducted on Grange Road has been included within the report which found that traffic travelling past the development did not travel at excessive speeds and that the proposed one-way operation of the entrance and exit from the development would also mean that traffic would access the development in an ordered manner. Details of servicing and swept paths of refuse vehicles have been submitted and are considered satisfactory. A refuse vehicle is able to enter and leave the development in a forward gear and servicing can be accommodated within the development, reducing the likelihood of any obstructions during times of collections.  |
| 8.6.4               | The car park provides 23 spaces for the 12 apartments and whilst this is slightly below a provision of 2 spaces per apartment, the accessibility of the development and closeness to West Kirby town centre would help reduce the need for essential car use and as such, the total provision is accepted in this instance. The development also provides cycle parking for each of the 12 apartments in line with the recommendations and this is satisfactory. There are good walking routes into the town centre and West Kirby Merseytravel's train station is also within acceptable walking distance at approximately 550m. Due to the accessible location, the 100% cycle parking, and the fact that most of the apartments have 2 spaces for in-  |

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|       | curtilage parking, there are no objections to the proposals on highway grounds.  |
| 8.6.5 | In light of the above, the proposed development is considered to accord with UDP Policies HS4, TR9 and TR12, and the relevant sections of the National Planning Policy Framework in highway terms. |

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| <b>8.7 Ecology and Biodiversity</b> |  |
| 8.7.1                               | The application site is in proximity to international and national designated nature conservation sites within the Dee estuary and the north Wirral coast and also adjacent to the Grange Hill Site of Biological Importance. The site also consists of a number of trees and other planting and the submission was accompanied by Preliminary Ecological Appraisal (PEA) and Roost Appraisal.   |
| 8.7.2                               | The PEA recommended that emergence and re-entry bat surveys be undertaken to determine if bats are present on the site and in response to a request from MEAS, further survey work was undertaken and presented to the Council in October 2023 which confirmed the presence of roosting bats within the existing house. A technical note was submitted in January 2024, detailing the nature of the roosts present and indicating mitigation and enhancement measures to safeguard the connection with bats and the site, during and post construction. The note sets out that there is no evidence that the buildings on site were used by bats as maternity roosts or used for hibernation. The note concludes that the bat roosts are classified as transitional and not of conservation concern. MEAS have reviewed and accepted these conclusions. In terms of mitigation, the applicant has agreed to add an additional bat box (making 3 in total) within the proposed building and making another temporary bat box permanent, to secure biodiversity enhancement. The applicant has committed to that and a condition in this regard is attached alongside one ensuring the development secures a Natural England European Protected Species licence prior to any works commencing. |
| 8.7.3                               | The PEA also noted a number of records of common lizard from the adjacent Caldly Hill. These are a protected species and UDP policy NC7 applies. Although the site is currently considered to provide sub-optimal opportunities for reptiles, the proposed demolition and construction works may increase the opportunities for them, e.g., through the creation of rubble piles as a precaution, hence, a reasonable avoidance measures condition on the nature of works and protection during the construction phase would be sought through a Construction and Environmental Management Plan (CEMP). Likewise, the habitats on site are suitable for hedgehog and similar reference to them in the CEMP is required and in respect to breeding birds too. Details of bird boxes will be conditioned if approved, to mitigate for the loss of any existing bird breeding habitat.  |
| 8.7.4                               | Rhododendron and cotoneaster species are present within the site boundary. These are listed in Schedule 9 of the Wildlife and Countryside Act 1981 and as such are non-native species which pose a conservation threat to native biodiversity and habitats. A condition securing the control of these species is attached.   |

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| 8.7.5 | <p>In order to enhance the ecological value of the site post-development, it is felt that consideration towards biodiversity enhancement such as through retained grassland habitats and creating wildflower meadow habitat or other measures, including the creation of reptile refugia / hibernacula and installation of hedgehog and insect boxes on the site could be considered. In that regard MEAS have recommended a Biodiversity Enhancement Plan, which given the policy context and sensitivities of the site is agreed and would be secured by planning condition.</p>  |
| 8.7.6 | <p>This development may have in-combination effects on the features for which the conservation sites have been designated, principally in respect to recreational disturbance to qualifying bird species. As such, the application required a Habitat Regulations Assessment which has been undertaken on behalf of the Council by Merseyside Environmental Advice Service (most recently in May 2023) and concludes that without mitigation measures, there would be likely significant effects on designated European wildlife sites because of the impacts of additional recreational pressure associated with new housing development. Consequently, Appropriate Assessment is required under Regulation 63 of the Habitat Regulations 2017 and the outcome of the assessment is that mitigation measures can be secured through the planning system which would avoid any significant adverse effects on the designated sites, in accordance with the guidance set out in the 'Interim Approach to avoid and mitigate recreation pressure in Wirral' note (May 2022).</p> <p>These measures comprise:</p> <p>a) A commuted sum contribution of £280.26 for each new net home (which equates to a total of £3,363.12) which can be secured by a section 106 agreement; The contribution would go towards schemes set out in the interim guidance note in connection with the European wildlife sites, that is, Communications, marketing and education initiatives; Site-specific visitor management and bird refuge projects and new/enhanced strategic alternative greenspace</p> <p>b) An advice leaflet for new homeowners/tenants to be provided upon occupation to inform the responsible use of designated nature conservation sites to minimise the risk of disturbance, and to advise on the location of suitable alternative natural green spaces away from the designated sites.</p> |
| 8.7.7 | <p>The applicant has advised that they would opt-in to these measures, with a planning condition relation to the leaflet recommended and a legal agreement required in connection with the contribution. Subject to these matters, the application is considered to meet the requirements of the Habitats Regulations and the requirements of the saved nature conservation policies of the UDP.</p>  |
| 8.7.8 | <p>The application referred to the presence of terrestrial mammals on site in 2022. This was subject to investigation in the summer of 2023 which revealed that a hole on the site created by mammals had been filled in. As it is possible that this hole on the site could be revisited and reopened, further survey work is recommended to be conducted prior to commencement of development, if permission is granted. Otherwise, it is expected that the proposed development will not impact significantly on terrestrial mammals, although concerns remain about the potential impact</p>  |

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|       | development could have if it denies access to forage and disperse. Therefore, a pre-commencement condition in this regard is recommended.   |
| 8.7.9 | Consequently, in accordance with saved UDP policies and the NPPF subject to planning condition and legal agreement the development is considered to safeguard the integrity of sites of nature conservation and species on and around the site. |

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| <b>8.8 Trees and Landscaping</b> |   |
| 8.8.1                            | The application is accompanied by an Arboricultural Impact Assessment which details that the development will necessitate the removal of a small group of low quality (Category C) trees growing out of an existing rockery and some hedgerow. The proposal has been reviewed by the Council's Tree Officer who raises no objection subject to the addition of a condition regarding tree protection which is attached. In accordance with the Council's Tree Strategy a minimum of 5 new trees are recommended to be planted. A total of 12 new trees are proposed on the site alongside other landscaping works including new hedging, as shown on plan 011 Rev E. The access road would be constructed of a colour tarmac with a sandstone retaining wall adjacent to the new exit point on Grange Road. |

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| <b>8.9 Other Matters</b>    |  |
| 8.9.1 Waste                 | The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. The submitted detail has been examined by MEAS and a site wide waste management plan in accordance with the requirements of policy WM8 is recommended to be attached as a condition. The application incorporates the addition of bin stores to the front of the site which are appropriately located and have the requisite storage capacity. |
| 8.9.2 Flooding and drainage | The application has been subject to consultation with the local water/sewerage undertaker (United Utilities), and they offer no objection to the application. Conditions will be required to secure a detailed sustainable surface water drainage strategy and management strategy to secure compliance with the drainage hierarchy.   |
| 8.9.3 Archaeology           | Policy CH25 'Development Affecting Non-Scheduled Remains' states that the planning authority will have regard to the potential importance and desirability and practicality of preserving archaeological remains. There is one heritage asset recorded on the Merseyside Historic Environment Record within the proposed development: MME22076 Former site of a house, Grange Road, an 18th century building. The impact of the proposal on this potential asset has been reviewed by the applicant and MEAS and   |

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|  | has been found to be located south of the proposed apartments, within a terraced area and which has been cut into a slope and as such the potential for encountering remains is very low. As such, archaeological matters do not need to be considered further and the policy framework has been satisfied. |
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| <b>8.10 Section 106 agreement</b> |   |
| 8.10.1                            | <p>When considering the potential content of a s106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a s106 Agreement 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"> <li>• Affordable Housing Contribution of £240,200</li> <li>• Contribution towards Conservation sites mitigation of £3,363.12</li> </ul> |

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| <b>9. Summary of Decision (planning Balance)</b> |  |
| 9.1  | <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. Having regards to the individual merits of this application this recommendation has been made 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 and the emerging Local Plan. In reaching this decision the Local Planning Authority has considered the following: -</p>   |
| 9.2  | <p>In principle the re-development of previously developed land within a Primarily Residential Area for residential purposes is accepted. The siting, scale and design of the amended scheme is well-considered, in keeping with the character of West Kirby and the locality and would, subject to conditions, provide for a positive townscape contribution. The building would not cause unacceptable shadowing to surrounding properties, or harmfully overlook neighbouring dwellings. The internal and external living conditions provided for potential future occupiers is good, with acceptable levels of outlook and access to daylight. The site is in a sustainable, accessible location where jobs, shops, and services can be accessed without reliance upon the private car and consequently the level of on-site car parking is accepted, and the scheme is not thought to prejudice</p> |

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|     | highway safety with adequate provision is made for cycle parking and refuse storage and collection. The effects of the scheme on biodiversity are to be mitigated on and off-site and subject to conditions the development is considered acceptable regarding waste, trees, flooding and drainage and would not cause harm to heritage assets.   |
| 9.3 | As such, and taking the above matters into account, the development accords with the objectives of Wirral's Unitary Development Plan, the Joint Waste Local Plan for Merseyside and Halton, the National Planning Policy Framework and the emerging Local Plan. The development is acceptable subject to the imposition of relevant conditions and a planning obligation securing a commuted sum amounting to the equivalent of 20% affordable housing and a commuted sum towards biodiversity mitigation measures. |

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| <b>10. Recommended Decision:</b> | <p>That the Director of Regeneration and Place be authorised to:</p> <p>(1) approve the application subject to the following conditions and subject to the completion of a s106 agreement pursuant to section 106 of the Town and Country Planning Act 1990 to be prepared, in accordance with section 8.10.1 of this report.</p> <p>(2) refuse the application in the event that a satisfactory section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.</p> |
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| <b>Recommended Conditions and Reasons:</b>  |   |
| 1. The development hereby permitted shall begin not later than [3] years from the date of this decision.  | <p><b>Reason:</b> To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p> |
| 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12 <sup>th</sup> April 2023 and 28 <sup>th</sup> November 2023 and listed as follows:<br><br>010 Rev D; 011 Rev E; 012 Rev A; 106 Rev C; 107 Rev C; 200 Rev A; 201 Rev B; 003 Rev A; 001.      | <p><b>Reason:</b> For the avoidance of doubt and to define the permission.</p>                          |
| 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 the occupation of the development, full details of the relocated electricity substation and any enclosures shall be submitted to and approved in writing by the local planning authority and thereafter constructed and retained 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.

5. No development hereby approved shall take place (including ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging demolition and construction activities
- b) A pre-commencement check for hedgehogs and agreement of monitoring measures where necessary
- c) Identification of “biodiversity protection works” / Reason Avoidance Measures (RAMs) including but not limited to:
  - i Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any reptiles present to move away from the affected areas;
  - ii. The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent reptiles from seeking shelter or protection within them;
  - iii. Any open excavations (e.g., foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to reptiles;
  - iv. Bat mitigation measures which may be necessary following completion of the bat surveys;
  - v. Measures to avoid harm to breeding birds and location and form of bird boxes;
  - vi. Measures to avoid harm to other UK protected species;
  - vii. Details of how retained trees, scrub and vegetation are to be protected during works;
  - viii. Measures to avoid harm to Conservation sites including Grange Hill and Caldys Sites of Biological Importance detailing pollution prevention measures and details of how designated habitats and geological features will be protected; and
  - ix. Invasive species method statements.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** To ensure that biodiversity is safeguarded.

6. Prior to first occupation of the development hereby approved, the screening measures adjacent to car parking bays, including the 1.1m high timber fence and hedging, as shown on approved drawing no. 011 Rev E shall be installed and thereafter permanently retained.

**Reason:** To safeguard the amenities of existing and future occupiers.

7. Prior to the installation of any external lighting associated with the development hereby



approved, details of the lighting, including appearance and luminance, shall be submitted to and approved in writing by the Local Planning Authority and thereafter constructed and retained in accordance with the said details unless otherwise agreed.

**Reason:** To safeguard the amenities of neighbouring and future residents and biodiversity.

8. Prior to first occupation of the development hereby approved the refuse storage facilities as detailed on plan nos. 010 Rev D and 011 Rev E, shall be installed, and thereafter retained in accordance with the approved details in perpetuity.

**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.

9. No development shall commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For avoidance of doubt, the works shall include:

- i. The provision of dropped kerbs and tactile paving at the entrance to the development from Grange Road and for this to be widened in accordance with the drawing reference number 010 Rev B and a commercial crossing constructed and installed to the entrance.
- ii. Resurfacing of the footway to Grange Road contiguous with/along the development site frontage to provide a continuous palette of material.
- iii. The provision of dropped kerbs and tactile paving at the Gerard Close junction with Grange Road.
- iv. Replacement/upgrade of street lighting as necessary as part of the detailed design.
- iv. Drainage works necessary to facilitate the highway works.

The approved scheme shall subsequently be implemented prior to first occupation of the development hereby approved.

**Reason:** To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

10. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained, and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 010 Rev D. The parking and servicing areas shall be retained as such thereafter.

**Reason:** To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

11. The development shall not be brought into use until full details of the proposed cycle parking facilities as shown in drawing number 010 Rev D, are submitted to and approved in writing by the local planning authority and then constructed and retained in accordance with said details thereafter.

**Reason:** To ensure that adequate provision is made for parking cycles on the site; and to preserve the appearance of the development.

12. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

- Construction traffic routes, including provision for access to the site.

- Entrance/exit from the site for visitors/contractors/deliveries
- Location of directional signage within the site
- Siting of temporary containers
- Parking for contractors, site operatives and visitors
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction.
- Temporary roads/areas of hard standing
- Schedule for large vehicles delivering/exporting materials to and from site.
- Storage of materials and large/heavy vehicles/machinery on site
- Measures to control noise and dust.
- Details of street sweeping/street cleansing/wheelwash facilities
- Details for the recycling/disposing of waste resulting from demolition and construction works
- Hours of working
- Phasing of works including start/finish dates

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

**Reason:** To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

13. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Mitigation and Enhancement Measures Statement in relation to bat species (*Amenity Tree, 23 January 2024, version 2*) which details the methods for maintaining the conservation status of common pipistrelle, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

**Reason:** In the interest of biodiversity.

14. Prior to the commencement of development, the applicant shall submit a method statement on the control of Rhododendron and Cotoneaster, both invasive species, which includes the following information:

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

**Reason:** To remove an invasive species as listed under Schedule 9 of the Wildlife and Countryside Act (1981) and ensure the protection of the native natural environment in accordance with Policy NC01 of the Wirral UDP.

15. Prior to development reaching damp-proof course level and installation of landscaping features a Biodiversity Enhancement Plan (including stock details and quantities) demonstrating a Biodiversity Net Gain will be provided to the LPA for approval in writing.

The approved plan shall be fully implemented as approved.

**Reason:** to maintain the landscape and biodiversity value of the site and comply with Policy NC7 of the Wirral Unitary Development Plan (Adopted 2000) and comply with Section 15 of the

National Planning Policy Framework.

16. Prior to the commencement of any works a survey must be undertaken by a suitably qualified ecologist to confirm the presence/absence of terrestrial mammals. If any signs of badgers or other mammals are found during the pre-commencement check further survey work will be required to be undertaken and a mitigation strategy submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works within 30 metres of any sett. The mitigation strategy shall be implemented in full in accordance with the approved details.

**Reason:** To prevent the disturbance of protected species and the destruction of any sett tunnels within the site.

17. 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 order to ensure no net-loss in biodiversity.

18. The tree works methodology hereby approved and set out in Tree Protection Plan in accordance with the Arboricultural Implications Assessment (ACS Consulting, as received on 3<sup>rd</sup> October 2023) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority.

**Reason:** To preserve the biodiversity of the site and health of the trees on the site in accordance with UDP Policy GR7.

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

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Joint Waste Local Plan for Merseyside and Halton.

20. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

21. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

22. The dwellings hereby permitted shall not be occupied until the landscaping plan (plan no. 011 Rev E) hereby approved in conjunction with any Biodiversity Enhancement measures has been implemented in full, including the planting of all new trees shown on the plan. The landscaping provisions shall be retained in situ in perpetuity.

**Reason:** In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

23. Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or evidence that the site has been registered under the bat low impact class licence (CL21).

**Reason:** In the interests of biodiversity.

24. Upon occupation, the occupier(s) of each dwelling shall be provided with a copy of the information leaflet 'Respecting Nature in Wirral: A voluntary code for responsible recreation' (or any document that supersedes or updates that document) as part of their homeowner/tenant information pack.

The developer shall maintain a register of the date on which each occupier was supplied with the leaflet and, no later than one month after occupation of the final dwelling comprised in the development, the register shall be deposited in writing with the Local Planning Authority.

**Reason:** To avoid significant adverse effects upon statutory designated nature conservation sites arising from recreational disturbance to qualifying species, in accordance with saved policies

NC1 and NC3 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.

**Informative:** 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](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

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| <b>Last Comments By:</b> | 19-01-2024       |
| <b>Expiry Date:</b>      | 31 December 2023 |

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# Agenda Item 5

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| <b>Planning Committee</b> | <b>14<sup>th</sup> March 2024</b> |
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| <b>Reference:</b> | <b>PS Development Code</b> | <b>Case Officer:</b> | <b>Ward:</b>      |
| RVC/23/01413      | Q01 - Major Dwelling       | Mr P Roberts         | Hoylake and Meols |

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| <b>Location:</b>  | 100 & 102 Meols Drive, CH48 5DB   |
| <b>Proposal:</b>  | Section 73 application for the variation of condition 2 of consented scheme ref APP/20/01716 to remove basement and provide parking at ground level, together with internal layout alterations and to pick up an error in the approved South Elevation Plan |
| <b>Applicant:</b> | Blueoak Estates   |
| <b>Agent:</b>     | Miss Nikki Sills Zerum Planning Ltd   |

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| <b>Reason for referral to Planning Committee</b> | <ol style="list-style-type: none"> <li>1. Call in request by Councillor Gardner</li> <li>2. 54 individual separate objection letters received, exceeding committee referral threshold of 15, and the subject application is recommended for approval</li> </ol> |
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**Site Plan:**



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| <b>1. Development Plan designation:</b> | Primarily Residential Area<br>Meols Drive Conservation Area<br>Density and Design Guidelines Area |
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| <b>2. Planning History:</b> | APP/20/01716<br>Demolition of the existing buildings on the site and erection of a residential apartment building (Use Class C3) with associated parking, landscaping, and access.<br>APPROVED - 14 April 2023 |
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| <b>3. Summary of Representations and Consultations Received:</b> |
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| <b>3.1 Ward Member Comments</b> | Councillor Gardner: Would like to call-in application if minded for approval on the basis of the scale of variation from the original decision and in terms of the impact on the Conservation Area. |
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| <b>3.2 Summary of Representations</b> | <p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 40 notification letters were sent to neighbouring properties on 14<sup>th</sup> September 2023 and a site notice, and a press notice posted. In response, 24 representations objecting to the application were received. Comments made within submitted representations are summarised below: <i>(the relevant portion of the report where each matter is addressed is noted in italics)</i>:</p> <ul style="list-style-type: none"> <li>• Scheme would have a serious impact on visual appearance of area and detrimental impact on the Conservation Area (<i>section 8.3</i>).</li> <li>• The proposed large surface level car park is not consistent with preserving the historic character and setting of the Conservation Area where large plots benefiting from well planted front gardens are common (<i>section 8.3</i>).</li> <li>• Design and loss of parking provision will likely compromise existing parking pressure and add to traffic congestion (<i>section 8.5</i>).</li> <li>• Scheme should not compromise emerging Local Plan policy on Conservation Areas (<i>section 8.3</i>)</li> <li>• Scheme represents over-development (<i>section 8.3</i>)</li> <li>• Extensive surface parking will impact on surface water drainage (<i>section 8.6</i>).</li> <li>• Potential issue of cars parking under trees with sap, leaves etc persuading occupants to park elsewhere (<i>section 8.5 &amp; 8.6</i>).</li> <li>• Hard surfacing may prejudice longevity of trees on the site (<i>section 8.6</i>).</li> <li>• The destruction of the trees, the lawns and the bedding areas which contributed to both the environmental aesthetics and, most importantly, the battle to save our planet from the global warming crisis, should not be allowed (<i>section 8.3</i>)</li> </ul> |
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- Trees have been removed from the site to facilitate the car park to the front (*section 8.3*)
- Additional noise from site from the development (*section 8.6*)
- How will this area be lit – light pollution is possible (*section 8.6*)
- Windows in south elevation appear to be larger (*section 8.2*).
- The submitted plans and elevations do not appear to be drawn to scale and that there are not sufficient dimensions included (*section 8.10*).
- Increased security issues to the front with no gates (*section 8.5*)
- Historic England had issues with the previous small car park to the front and would undoubtedly have greater issue with this proposal (*section: Consultations & 8.3*)

A number of other comments were also made which are not material planning considerations in respect of this planning application. These are summarised as follows:

- Benefits of change occur only to developer through lower construction cost.
- Approach taken is suspicious, securing approval and then amending. This would not have been approved by the Planning Committee
- This is a misuse of the planning system and would lead to two planning approvals.
- No detail on outcome of public consultation by developer
- Poor quality elevation drawings in the submission
- This is being done to limit cost not to limit disruption as the applicant claims.
- Talk of discussions with Planning Officers about s73 seem suspicious.
- Consultation undertaken by Blueoak Estates was appalling.
- Since demolition of building rats have been found locally
- Proposals are a 'major' not minor change.
- Developer knew that the underground carpark was not going to be built.
- Re-appraisal of the Meols Drive Conservation Area is on-going.
- Suggestion that the local planning authority had agreed the amendments prior to submission (*Officer Comment: The matter of the type of application that was relevant to this proposal was discussed, not the acceptability or otherwise of the submitted details. Any notion of agreement to the proposed works is strongly refuted*).

Following the discovery of inaccuracies with scale bars on submitted plans which could potentially result in misleading detail, particularly if printed, a further public consultation was undertaken on 18<sup>th</sup> January alongside a Press Notice and Site Notice. In response to this exercise a total of 15 comments, many from previous objectors were made. A summary of those representations is set out below (*the relevant portion of the report where each matter is addressed is noted in italics*):

- Original submission showed that the proposed building was built to the height of the neighbouring Leylands at 12.3m, and height now given is 13.4m (*section 8.6*)
- Having 20 car parking spaces to the front of the property is against spirit of Meols Drive Conservation Area and would have a negative impact on streetscene (*section 8.3*)
- Concerns with the size of car parking spaces, not meeting with SPD standards and the true size of modern cars. Any overspill would add further congestion in an area subject to pressures relating to local schools. (*section 8.5*)
- Removal of direct front garden access for residents (*section 8.4*)
- No Geotechnical Survey supplied (*section 8.6*)
- Committee report of previous submission states (para 3.6.15) that ‘the proposal is no greater in height than the ridge height of the existing apartment block to the south’. This statement is untrue and misled the Planning Committee (*section 8.6*)
- Scale of building proposed too big and will negatively impact on Conservation Area (*section 8.3 and 8.6*)
- Loss of planted front garden is contrary to a key Meols Drive Conservation Area characteristic (*section 8.3*)
- Officers have ignored previous comments from Historic England to restrict car parking to the front (*section 8.3*)
- Scheme will cause substantial harm to this heritage asset (*section 8.3*).
- Deficiencies with the transport statement produced. Data is limited and out of date and not reflective of what’s proposed (*section 8.5*)
- Comments have been made that operative wording of the initial application was deficient due to the omission of the demolition of the historic Edwardian coach house and conservatory from the operative wording of the application. If the operative wording of the original application was deficient and did not properly describe the development, then it is an unsound basis for this s73 application, and a full planning application should be requested by the Council (*section 8.2*).
- The Chair of the Planning Committee asked a question of the applicant’s representative at the 4th August 2022 meeting about the height of the building. The clear impression gained from the response is that the building is smaller than the original proposal (*section 8.6*).
- The Planning Committee was not in full possession of all material facts when it considered the proposal in August 2022 and that this should be brought to their attention when considering this s73 application. (*section 8.6*)
- The Planning Committee should have sight of the full policies in analysis presented to committee (*Officer comment: the full suite of policy documents is quoted within the report and the text of which are fully available to members*).
- This Section 73 application creates a whole new planning permission separate from the original planning permission so all factors, including the scale of the proposed building and its setting in the Conservation Area, must be taken into consideration by the Planning Committee in making their

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|  | <p>decision (section 8.2 &amp; 8.6).</p> <ul style="list-style-type: none"> <li>• The development is 9% higher than the building to the South and approximately 15% higher than its nearest neighbour Roseacre to the north (section 8.2 &amp; 8.6).</li> <li>• A s73 application should be subject to the national validation requirements including the submission of a Design and Access Statement (<i>Officer comment: This is not correct. As set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, paragraph 7c, s73 applications are not subject to national validation requirements.</i>)</li> <li>• Local validation requirements should apply, Item 2 - Photographs, Photomontages &amp; 3D Visualisations; are required for any "development within or affecting the setting of a conservation area or a listed building". (<i>Officer comment: LPA <u>can</u> require that information to be submitted with an application, not that it <u>must</u> require it and a proportionate approach to validation is taken by Officers. In this case as scale and mass of the building is not being considered and there are no changes to the boundary treatment, such detail is not required to enable a full assessment as supported by paragraph 38 of Planning Practice Guidance.</i>)</li> <li>• Application being processed with undue haste being submitted and validated on the same day. This appears to be more than a coincidence (<i>Officer comment: The application is subject to a Planning Performance Agreement, a standard approach to provide a project management framework for applications throughout the country and encouraged in the NPPF.</i>)</li> <li>• The error with the scale bars only revealed at Planning Committee indicated that Officers had not bothered to review the plans (<i>Officer comment: As noted at Committee the scales (1:100 and 1:200) shown on the drawings matched the ratio tool when inputted into the PDF documents. Only the scale bars were incorrectly measured, an error spotted by a member of the public printing and then using the scale bar as a reference point to measure the drawings. Plans have now been corrected and steps have been taken to make officers aware of the issue in order to prevent future occurrences.</i>)</li> <li>• No electric vehicle charging points are shown on the plans (<i>Officer comment: Not a planning requirement however, electric vehicle charging will be provided in line with Government requirements set out in the Building Regulations i.e. Building Regulations 2010, Infrastructure for the charging of electric vehicles, Approved Document S, 2021 edition</i>)</li> </ul> |
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|  | <p><b><u>CONSULTATIONS</u></b></p> <p>Received:</p> <p><b>MEAS:</b> No changes to previous MEAS comments on the approved</p> |
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application.

**United Utilities:** No objections. Informatives requested.

**Historic England:** Responded to the consultation to state that they are not offering any comments on this matter as they look to provide advice when their engagement can offer most value.

**Highways:** No objections subject to conditions and informatives as previous.

**Environmental Health:** No objections.

**Conservation:** No heritage objections raised to the proposal. The changes are of a scale and nature that result in a development which is not substantially different to the one which has been approved. The revised plans do not deviate from the approved plans in a way which would cause harm to the setting of the conservation area and nearby designated and non-designated heritage assets.

**Tree Officer:** The updated tree protection and method statement should be adhered to.

**Hoylake Conservation Areas Association:** Objection for the following reasons:

1. Treating this as a variation is inappropriate and a misuse of the planning system.

2. The applicant attaches significant weight to the consultation process with neighbours but does not record the outcome of those conversations.

3. Although the planning statement confirms that the ridge lines are the same as the approved plan, it is very hard to evaluate the proposal in terms of its scale

4. The planning statement seeks to draw on precedent for similar car parking spaces from other recent developments in the West Kirby area. These developments are outside of the designated conservation areas so no precedent can or should be drawn.

5. Submitted draft Local Plan should carry significant weight and current applications should not compromise emerging policies. The proposed surface level car park occupying a significant proportion of the space to the front of the property together with proposed changes to the elevations are NOT consistent with preserving the historic character and setting of the Meols Drive Conservation Area and would be contrary to the submitted Local Plan.

6. If approved, this S73 application would be an unwelcome departure from established and future policies. The impact of each change, both to

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|  | <p>this development and the conservation area as whole, has an overall cumulative impact which makes a gradual but irreversible loss of character. The replacement of underground car parking with extensive surface level parking is the tipping point in the acceptability of the development. Extensive surface parking fundamentally changes the key relationship between the buildings, structures, trees and characteristic open spaces in the conservation area. We share Historic England's concerns expressed in their letter to the Council of 10<sup>th</sup> June 2022 in response to consultation on the original application.</p> <p>7. An extensive hard surface will complicate natural surface water drainage into the existing natural drainage to lawn and garden.</p> <p>8. Parking under trees is not without a risk of damage from guano and sap. Users may seek to avoid using the parking spaces exacerbating on road parking issues or apply to have the trees removed; and</p> <p>9. Impact on the root systems – we note that underground tree root cell systems have been specified for the trees planted in the tandem car parking spaces. What degree of assurance is there that this will allow the trees to thrive and not create issues by damaging the hard surfacing? We also have concerns about the impact that the extensive hard surfacing may have on the ability of the existing trees to thrive going forward.</p> <p>10. The developer is attempting to cynically exploit planning rules to its own advantage and at the expense of the character and setting of this key part of Meols Drive CA. The proposal is contrary to Council Policy CH2, the provisions of the Meols Drive CA and the key sections of the submitted Local Plan and should therefore be rejected.</p> <p>11. The points set out in this letter should be given full weight when the Council is considering:</p> <ul style="list-style-type: none"> <li>• The test set out in paragraph 202 of the National Planning Policy Framework; and</li> <li>• Its statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990</li> </ul> <p><b>Wirral Wildlife:</b> No comments received.</p> <p><b>LLFA:</b> No Comments received.</p> <p><b>Kings Gap and Meols Drive Society:</b> No comments received.</p> <p><b>Natural England:</b> No comments received.</p> |
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| <b>4. Site and Surroundings</b> |   |
| 4.1                             | The application site is the now cleared ground which formerly comprised |

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|  | two detached dwellings and associated outbuildings. The plot is accessed off Meols Drive and lies just north of West Kirby Town Centre and within the Meols Drive Conservation Area. The site is towards the southern edge of a predominantly residential area with large houses and some flats set back from the street frontage often in extensive grounds, and frontage trees are a common feature. Opposite this site lies West Kirby School and College and a church, and the town centre retail edge lies less than 150 metres south. |
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| <b>5. Proposed Development</b> |  |
| 5.1                            | This section 73 application seeks to vary Condition 2 (Approved Plans) of the previously approved planning application APP/20/01716 'Demolition of the existing buildings on the site and erection of a residential apartment building (Use Class C3) with associated parking, landscaping and access'.  |
| 5.2                            | The original approval had the building set behind an area of landscaping and vehicle access and egress, with parking for 6 vehicles in blocks of two as well as external bike and bin stores. The vehicle entrance is towards the northern part of the site and cars would use a black tarmac surface to access the basement parking to the side (south) elevation of the building with the internal road running between the building and a pocket of landscaping adjacent to the public highway with smaller areas of grassed adjacent to front ground floor terraced spaces. The permitted development proposed the felling of 22 trees the planting of 9 replacement trees plus a hornbeam hedge and other landscaping with 38 trees being retained. The scheme as now proposed retains 41 trees, and plants 20 new trees. |
| 5.3                            | The proposed changes to the approved planning permission are the removal of the basement and inclusion of surface parking to accommodate 20 car parking spaces (2 per flat and amended from 21 spaces) located in the area to the front of the property and accessed via the same entrance and exit points as served the former housing and were to serve the approved development.  |
| 5.4                            | The alterations will result in landscape changes within the site and the relocation of an external bike store to one within the building. Alongside this are changes to the south elevation to reflect the removal of the basement car park entrance and to also regularise an error in the approved drawings which showed the ridge height of the projecting gable elements at the same height as the main building when, as shown in the front and rear elevations, these projections are set down in overall height from the main roof.   |
| 5.5                            | In addition, some layout alterations are proposed primarily centred around a relocated stairwell from the rear to the core of the building with 3 flats (1 per floor) having access to the central rear window and some additional internal floorspace provided (with restricted heights) at second floor level for two flats, within the frame of the approved building. The necessary scaled plans and elevations have been submitted.   |
| 5.6                            | The scale, siting, form and appearance of the building is not changed  |

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|  | <p>from the approved planning permission except only to pick up the inconsistency in the approved south elevation drawing. The building has an extant consent, the time limit of which this submission would not extend, and there are no significant material policy changes or alterations to the site context since the date of original consent to require any change to the outcome of the previous assessment of the approved development save in relation to the proposed s73 amendments.</p> |
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| <b>6. Development Plan</b> |  |
| 6.1                        | <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 for Merseyside and Halton (adopted 18 July 2013).</p>  |
| 6.2                        | <p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <ul style="list-style-type: none"> <li>• HS4 Criteria for New Housing Development</li> <li>• GR5 Landscaping and New Development</li> <li>• GR7 Trees and New Development</li> <li>• NC2 Sites of International Importance for Nature Conservation</li> <li>• NC3 The Protection of Sites of National Importance for Nature Conservation</li> <li>• NC7 Species Protection</li> <li>• CH2: Development affecting Conservation Areas</li> <li>• TR9 Requirements for Off-Street Parking</li> <li>• TR10 Cycle Routes Proposal</li> <li>• TTR12 Requirements for Cycle Parking</li> </ul> |
| 6.3                        | <p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18<sup>th</sup> July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>  |

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| <b>7. Other Material Planning Considerations</b> |   |
| 7.1  | <b><u>The National Planning Policy Framework (2023)</u></b> |

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|     | <ul style="list-style-type: none"> <li>• Chapter 2 - Achieving sustainable development</li> <li>• Chapter 4 - Decision-making</li> <li>• Chapter 5 – Delivering a sufficient supply of homes</li> <li>• Chapter 9 – Promoting sustainable transport</li> <li>• Chapter 11 – Making effective use of land</li> <li>• Chapter 12 - Achieving well-designed and beautiful places</li> <li>• Chapter 14 – Meeting the challenge of climate change, flooding and coastal change</li> <li>• Chapter 15 – Conserving and enhancing the natural environment</li> <li>• Chapter 16 – Conserving and enhancing the historic environment</li> </ul>   |
| 7.2 | <p><b><u>The Emerging Local Plan</u></b></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. Hearings commenced in April 2023 and concluded in November 2023. The local plan and supporting evidence base can be viewed online at <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></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> <ol style="list-style-type: none"> <li>1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>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</li> <li>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; WS2; WS3; WS5; WS6; WS7; WS8; WS9; WS10; WP 6.1D;</p> </li></ol> |



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|     | WD1; WD2; WD3; WD4; WD6; WD14; WD18; WM6.   |
| 7.3 | Wirral Supplementary Planning Document 2: Designing for Self-Contained Flat Development and Conversions (2006)<br><br>Wirral Supplementary Planning Guidance 4: Parking Standards (2007)              |
| 7.4 | Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)<br><br><b><u>Conservation area appraisals</u></b><br><br>- Meols Drive Conservation Area Appraisal (2004) |

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| <b>8. Assessment</b> |   |
| 8.1.1                | The main issues pertinent in the assessment of the proposal are; <ul style="list-style-type: none"> <li>• Principle of development.</li> <li>• Effect On Meols Drive Conservation Area.</li> <li>• Housing</li> <li>• Highway safety, and</li> <li>• Other Matters</li> </ul> |

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| <b>8.2 Principle of Development</b> |   |
| 8.2.1                               | Section 73 of the Town and Country Planning Act 1990 allows applications to be made to the Local Planning Authority to vary or remove conditions associated with an unexpired planning permission (APP/20/01716 has a three-year limit extending until 14 April 2026). There is no statutory limit on the degree of change permissible under s73 applications, but the change must only relate to conditions and not to the operative part of the permission, that is in essence, the original description of development. The proposal is to vary the approved condition (no. 2 - Plans) in respect to the position of on-site parking, amend the internal layout and to pick up an inconsistency in the approved plans. As such the operative part of the permission as set out in the decision notice dated 14 <sup>th</sup> April 2023 (i.e. 'Demolition of the existing dwellings on site and erection of a residential apartment building (Use Class C3) with associated parking, landscaping and access'), is not being altered and the planning merits of the proposed changes can be assessed in full. |
| 8.2.2                               | The approach taken in dealing with such amendments is wholly in line with planning legislation. The application is not seeking to amend the dimensions of the building already permitted, save to regularise the south elevation inconsistencies identified. The form of the building including its other elevations, the roof, footprint and the appearance are not subject to change and remain as permitted, with consideration in this assessment of those elements limited primarily to what impacts the   |

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|       | proposed amendments would have on the already consented scheme.  |
| 8.2.3 | The principle of development is considered acceptable and has been established under the original grant of planning consent APP/20/01716. The impacts of the proposed changes on the Meols Drive Conservation Area, housing, highway safety and neighbouring amenity will be assessed below. |

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| <b>8.3 Effect on Meols Drive Conservation Area</b> |  |
| 8.3.1  | In determining this application, 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 is to be considered.   |
| 8.3.2  | NPPF Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. NPPF Paragraph 206 adds that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 207 adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.   |
| 8.3.3  | UDP Policy CH2 states that development within a Conservation Area will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance the distinctive characteristics of the Area, the general design and layout of the area, and the character and setting of period buildings. When granting permission 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 to be used.  |
| 8.3.4  | Emerging Policy WD2.1 of the Local Plan sets out that development proposals which conserve and enhance Wirral's historic environment will be supported and that those which are likely to cause less than substantial harm to the significance of the heritage asset or its setting will only be supported where it is clearly demonstrated that the harm will be outweighed by its public benefits. Emerging Policy WP6.1D of the Local Plan has more specific advice on the Meols Drive Conservation Area. The policy states that proposals in the Conservation Area will be supported where they: i. preserve the historic character and appearance of this late Victorian and Edwardian commuter suburb and the setting, landscape and skyline of the Royal Liverpool Golf Course; retain the consistency of scale, massing and separation between neighbouring buildings; ii. preserve the style and variety of buildings and materials linked by a common design approach, including highly decorative details |

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|                    | <p>and roofscapes; iii. retain unifying features such as grass verges, street trees, building lines, generous landscaping and boundaries, including mature hedges and sandstone and red brick walls; iv. preserve and enhance the public buildings located in the area's gateways; ensure that new development within gardens is of a scale, that preserves or enhances the setting of the original building and the character of the immediate locality; v. promote a more unified treatment along the boundary with the Royal Liverpool Golf Course; and enhance the public realm.</p>  |
| 8.3.5              | <p>The Council's Conservation Area Appraisal places this site within the Meols Drive Zone where, it is stated, houses on the west side of the road are set well back from the road and often hidden behind trees and shrubs within deep front gardens, noting that Meols Drive retains its own strong character with vistas along the road of sandstone and brick garden walls, well-kept hedging and wide variety of trees shrubs in almost every garden.</p>  |
| 8.3.6              | <p>In reference to servicing, parking, and access arrangements the Council's SPD 2 states that where front gardens are a unifying feature of the street scene, hard surfacing for parking and servicing area should cover no more than one third of the frontage unless it can be demonstrated that a landscaping scheme would satisfactorily mitigate any impact upon the character and appearance of the street scene.</p>  |
| 8.3.7 (Assessment) | <p>As regards the south elevation changes, the applicant is seeking to remove the entry point to the former basement car park which would have been apparent only as a below ground feature with limited visibility outside of the site. Its removal would represent a positive change over the permitted scheme, enhance the building. Alongside this, the original approval drawing of this elevation did not match that of the approved front and rear elevations with no drop in height shown to the projecting front and rear gables. This proposal seeks to replace the approved south elevation drawing (P19070-FCH-XX-XX-DR-A-1402-P09-Elevation 03) with a new drawing reflecting the drop in front and rear gable heights and matching up with the approved front and rear elevations. This change regularises a previous mistake and does not impact on the approved building or the character of the Conservation Area. Consequently, it is considered that the south elevation changes are acceptable.</p> |
| 8.3.8              | <p>The principal amendment under consideration concerns the removal of the basement level parking and part of the access to it and the creation of a larger area of car parking for residents to the front of the building with new landscaping to the side. The approved site layout provided for 6 parking spaces to the front of the building in three blocks of two via a one-way access route which also led around the south side of the building to the basement car park entrance. The scheme also incorporated areas of landscaping between the entrance and exit from the site and some amenity for two ground floor flats. The surface treatment for the driveway and parking spaces was labelled primarily (save for 2 'grasscrete' spaces) as black tarmac. The extant planning permission retained 38 trees on the site, looked to fell 22 and to plant 9 new trees along with other landscape enhancements including a hornbeam hedge, thereby encouraging increased biodiversity and</p>                |

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|        | having a more positive change in climate change terms. A significant proportion of the retained trees were along the road frontage.  |
| 8.3.9  | This application seeks to relocate the parking from basement to ground level, situated to the front of the building with one group of twelve (six tandem spaces) sited towards the southeast boundary adjacent to the Meols Drive exit point, four within the central landscaped space and two banks of two spaces to the front of the approved building. Following amendment, 10 of the parking spaces are proposed to be formed of 'grasscrete', that is, a concrete structure covered in grass and the driveway made of compacted gravel. The area of the approved driveway to the side of the flats would be replaced with grass, increasing the size of the communal garden space by almost 114sqm and would be subject to the planting of further trees and hedging along the boundary together with extra planting between parking spaces. A total of three fewer trees would be lost through this proposal as opposed to the original approval.  |
| 8.3.10 | In terms of the approved development, Council Officers previously considered that the development was of quality and would both preserve and enhance the character of the Conservation Area, providing a contemporary and legible building which would add to the Conservation Area's architectural language and evolution. Overall, it was considered the development would preserve the character and appearance of the Conservation Area, noting that the number of trees safeguarded in the development would 'retain the tree-lined nature of the Conservation Area' and that the tree line along the street edge would be maintained. In addition, views of the side elevation would not likely have a prominent impact in the street scene given the extensive tree planting.   |
| 8.3.11 | Objections have been received in terms of the impact the additional parking would have the Conservation Area, some referencing Historic England comments on the approved development to support those claims. During the course of the original consultation exercise, Historic England, provided two comments. The former dating from January 2021 confirmed that they held no objection on heritage grounds to the initially submitted scheme with suggested design improvements that, would allow the development to " <i>sit more comfortably within its setting and better reflect the character of the area</i> ", noting trees within front gardens are "a distinctive characteristic of the Conservation Area and complement its special character and appearance", referencing the impact that the proposed vehicle parking and access had on the green space to the front of the building. The suggested amendments included the relocation of parking spaces to the basement; reducing the width of the building, limiting the loss of green space and trees and side elevation design treatment. Following amended proposals which formed the basis of the approved scheme saw reduction to the mass of the building, the removal of garages to the front of the building and more articulation, Historic England again raised no objection but maintaining concerns with building location; loss of green space and trees and with the side elevations. |
| 8.3.12 | This proposal revises the approved landscaping layout, and in this regard, measurements have been taken to study the differences in site   |

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|        | <p>coverage surface treatment. These reveal the following:</p> <p>Area to frontage of building: 1008 sqm</p> <p><u>Approved scheme</u></p> <p>Hardstanding to frontage (inc. 36 sqm of Grasscrete): 467 sqm (47%)</p> <p>Soft Landscaping: 541 sqm (53%)</p> <p><u>Proposed Scheme</u></p> <p>Hardstanding to frontage (inc. 117 sqm of Grasscrete): 515 sqm (51%)</p> <p>Soft Landscaping: 493 sqm (49%)</p> <p>Additional soft landscaping to side 114 sqm</p>   |
| 8.3.13 | <p>This proposed amendment would increase the amount of hardstanding to the front of the building by 48 square metres, whilst adding 114 square metres of soft landscaping to the side. The results of the exercise reveal that the hardstanding to the front would increase by approximately 4% over the approved development, a notable if not significant increase in the loss of soft landscaping coverage. However, the composition of the hard landscaping is significantly improved with 'grasscrete' (with its softer, grass covered design), accounting for half of the parking bays and the harsher and more commercial tarmac treatment being replaced by more domestic compacted gravel. This proposal would have the added benefit of saving a further three trees on-site and secure the planting of 20 new trees (up from the approved 9 new trees), a significant improvement compared to the approved scheme in meeting the objectives of the Wirral Tree Strategy. Moreover, the proposal would introduce a large additional area of soft landscaping to replace the tarmac car park ramp. Taking these aspects together, it is considered that this proposal provides tangible benefits through additional greening and domestication of the space, over that of the approved and implementable layout.</p> |
| 8.3.14 | <p>However, whilst the numbers of vehicles associated with the site would be comparable to what is approved, the presence of potentially an additional 14 parked cars to the front of the building could reasonably be considered to have an impact on setting, depending of course on how many vehicles were present on the site consistently. In this regard, it is felt that these spaces and the frontage in general will be well screened by existing and new planting and also by the garages immediately to the south in the grounds of the adjoining flatted development adjacent to where the majority of proposed parking bays are located. As stated, a key consideration of the approved scheme was that the tree line along the street edge was being maintained and, in that regard, this would remain the case.</p>   |
| 8.3.15 | <p>Reference has been made by neighbouring residents to the comments by Historic England particularly those concerning landscaped front gardens to the front of houses and as cited within the Conservation Area</p>   |

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|        | Appraisal. For the reasons outlined above, namely the retained and enhanced tree coverage, the view within the street scene of the approved design would, it is felt, be similar to that of the proposed, with the presence of potentially more cars on-site having limited visibility in the public realm.  |
| 8.3.16 | The Conservation Area Appraisal notes that in the Meols Drive Zone where this site is located the properties are set well back within their spacious building plots, the buildings being closer to the golf course at their rear than to Meols Drive. The house frontages are often obscured from the road by trees and shrubberies in the long front gardens. Despite more recent developments (since the 1970s), Meols Drive retains its own strong character with vistas along the road of sandstone and brick garden walls, well-kept hedging and wide variety of trees shrubs in almost every garden. Paragraph 6.1 goes on to say that typical features of the area incorporate generous gardens well planted with trees and shrubs. Very few houses have sacrificed their gardens for car parking. Most houses are at least partially screened on all sides by trees and hedging.   |
| 8.3.17 | This site lies in between two flatted blocks on the western side of Meols Drive, the one to the south located forward of the building line of the properties to the north (including the proposed structure). Both the flatted developments have areas of car parking and tarmacked surfacing ahead and to the side of the buildings and both benefit from less tree coverage than would be provided in this instance. To the south and less than 60 metres from this site is a noticeable parking area front of the building line in connection with the dental practice. Moreover, the building opposite this one, West Kirby School has in excess of 35 car parking spaces to the front of the building, a building which is recorded within the Appraisal of being one of “ <i>particular interest or value</i> ”. The setting of the latter in part being preserved by the strong tree line to the frontage. Hence, whilst it is clear that properties north of Roseacre share a consistent townscape appearance, the characterisation set out in the Appraisal of properties set behind deep gardens with trees is not evident in the context of its immediate setting and as such the introduction of car parking would not in this particular circumstance be felt to be acute or harmful. Indeed, the placement of the building set back from the road frontage and the retention of trees plus some more to be planted, will serve to preserve the character of the Conservation Area. |
| 8.3.18 | Overall, the quality of the new building would remain to be appreciated and with the removal of a hole and the tarmac accessed ramp to the side the appearance of the building would be enhanced. The form of development is considered to be reflective of the site’s edge of town centre character and the approach taken is thought to be appropriate to this setting and in particular, the spacious character of Meols Drive will continue to be retained.  |
| 8.3.19 | As such taking into account the context of what had been permitted and what amendments are proposed, the setting of the approved building and that of the Conservation Area is not considered to deteriorate as a result of this amendment. Historic England were consulted on the case and responded with no comments and the judgement remains that the demolition of the now former buildings on this site and the erection of  |

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|        | this new apartment block will not harm the character of the Meols Drive Conservation Area and would be acceptable both in terms of adopted and emerging planning policy.              |
| 8.3.20 | In order to secure the landscaping proposed a condition in this regard is recommended alongside a management plan to ensure that the form and appearance is retained into the future. |

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| <b>8.4 Housing</b>                 |   |
| 8.4.1                              | The amendments made to the internal layout of the flats are not considered significant and following the changes all units will remain to be dual aspect, comply with National Space Standards and continue to have direct access to private terraces and the larger communal amenity space. This is in accordance with the NPPF, Policy HS4 and Designing for Self-Contained Flats and Conversions SPD.  |
| <b>8.4.2 Section 106 Agreement</b> | When considering the potential content of a s106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a s106 Agreement 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.   |
| 8.4.3                              | The permitted scheme was subject to a Section106 Agreement in respect of an affordable housing contribution equivalent to a 20% Affordable Housing provision, as a commuted sum of 4% of the overall market value of the site. Any approval would be subject to a Supplemental Section 106 Agreement linking the Section 106 Agreement for the already permitted scheme to the new s73 permission and changing the affordable housing contribution to take account of the fact that 4% of the overall market value of the site has now increased from £300,000 to £316,000. |

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| <b>8.5 Highways</b> |  |
| 8.5.1               | The approved consent provided for 20 vehicle parking spaces for the residents and two visitor spaces. Following amendment, the proposal provides for 20 resident parking spaces with no specific visitor spaces. The cycle provision has been relocated to the interior of the building.   |
| 8.5.2               | The Council's Highways and Traffic & Transportation teams reviewed the amended plans, including the size and location of parking spaces which meet the minimum sizes of 4.8m by 2.4m and also the submitted Transport Statement and the data that informed it. They raised no objections to the material submitted or the scheme in general, subject to the conditions previously applied. The access and exit (via gated accesses) are considered safe and placing the parking above ground is not considered to result in any material difference to highway safety over what has been approved. |

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| 8.5.3 | <p>Comment has been made in objection to the proposal concerning the potential for some cars to be damaged by tree sap and bird droppings, potentially leading to people moving cars onto the highway and causing congestion that way. It is noted that only a small minority of cars are proposed to be located below trees and the nature of this problem is not guaranteed whether on or off-site in this area where there are trees within other settings. The site is located adjacent to West Kirby town centre with its excellent public transport links and the provision of 20 car parking spaces is considered more than adequate in this location. Indeed, there is no guarantee that all would be utilised, but the quantum reflects the approval and creates potential allowances for visitors to park on-site as well as residents.</p> |
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| <b>8.6 Other Matters</b>                              |   |
| 8.6.1   | <p>The Council's Tree Officer was consulted on the application and raised no objections to the updated Arboricultural Method Statement and Arboricultural Impact Assessment submitted with this proposal reflecting the proposed changes to the scheme. The revised layout is not too dissimilar to the approved scheme, and it is considered that the root protection measures set out in the submission reflect that previously approved and are accepted. A condition in this regard is recommended.</p>   |
| 8.6.2   | <p>A number of comments were made in relation to the method of application. As set out, the changes to the overall scheme are considered within the scope of what can be considered minor in the context of the scheme as a whole (i.e., the redevelopment of the site to provide a new apartment building). A full assessment of the changes is possible via a section 73 application as outlined.</p>   |
| 8.6.3   | <p>Comment is made as to the proposed lighting to the development. A condition was attached to the original approval which recommended the submission and approval of a lighting strategy. This is recommended to be re-attached with a slight variation to it. This is recommended to be attached to ensure the amenity of occupants and neighbours are protected and the character of the area is preserved. In terms of noise pollution, the removal of the basement will have a positive impact in construction terms whilst overall noise impacts are not considered to be materially different to that of the approved scheme.</p>  |
| 8.6.4   | <p>The approved scheme was subject to two conditions (6 and 13) which sought the submission and approval of full sustainable drainage design information. These conditions which did overlap, were subsequently submitted and discharged under DIS/23/00813. Following recent consultation United Utilities raised no objections to the revised proposal and therefore said these conditions do not need to be re-imposed. Another condition concerning a Construction and Environmental Management Plan is amended to secure compliance with the since approved condition document. Condition no. 15 (Historic Building Recording) of the original approval was discharged under application reference: DIS/23/00799 and does not need to be re-applied.</p> |
| 8.6.5 ( <i>Comments made following January 2024</i> ) | <p>Comments have been raised in connection with approved development, notably in respect to references to scale when the scheme was presented at Planning Committee in August 2022. In this regard,</p>   |



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| <i>consultation)</i> | members of the committee were presented with sufficient information to enable them to make an informed decision as to the merits of granting planning permission for the proposed building.  |
| 8.6.6                | Objections to how the previous application was handled are not relevant to the consideration of this application. Planning permission has been granted for the erection of the building and this application proposes no change to its siting, scale, or external appearance.  |
| 8.6.7                | The application is not supported by a geotechnical report. It is not considered necessary in order to assess this proposal or to justify no basement parking   |
| 8.6.8                | This application is solely for the parking layout, the south elevation changes, and the internal arrangements. The building as approved (the basement access apart) is not changed. The assessment is considered primarily with the impact on the amended and expanded frontage parking space to the appearance of the development and to the impact on the heritage asset. In that regard the impact of the proposals would not cause harm to the significance of the Conservation Area whilst also creating additional quality housing provision. Therefore, is recommended for approval subject to conditions and a supplemental section 106 agreement. |

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| <b>9. Summary of Decision (planning Balance)</b> |  |
| 9.1  | 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. Having regards to the individual merits of this application this recommendation has been made 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 and emerging Local Plan. In reaching this decision the Local Planning Authority has considered the following: -             |
| 9.2  | The proposed amended development would preserve the character and appearance of the Meols Drive Conservation Area and safeguard neighbouring residential amenity and not result in any harm in terms of highway and biodiversity matters and it would constitute a sustainable form of development in accordance with the NPPF aspirations. As such the development accords with the objectives of Wirral's Unitary Development Plan, Joint Waste Local Plan for Merseyside and Halton, emerging Local Plan and the National Planning Policy Framework. The development is acceptable subject to the imposition of relevant conditions and a planning obligation securing a commuted sum amounting to the equivalent of 20% affordable housing for the revised scheme. |

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| <b>10. Recommended</b> | That the Director of Regeneration and Place be authorised to: |
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**Decision:**

- (1) approve the application subject to the following conditions and subject to the completion of a supplemental agreement to the existing s106 agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with sections 8.4.2 and 8.4.3 of this report.
- (2) refuse the application in the event that a satisfactory supplemental section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall begin no later than 14th April 2026.

**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 by the local planning authority on 25/11/2020, 29/03/2022, 01/04/2022, and 28/11/2023 (unless otherwise stated) and listed as follows:

22-MEOLS-SITE-101 Rev C – Amended Site Plan;  
22-MEOLS-PLAN-102 Rev A– Amended Ground Floor Plan;  
22-MEOLS-PLAN-103 Rev A– Amended First Floor Plan;  
22-MEOLS-PLAN-104 Rev A– Amended Second Floor Plan;  
22-MEOLS-PLAN-111 Rev A - Amended Side (South) Elevation;  
P19070-FCH-XX-B1-DR-A-1310 Revision P03;  
P19070-FCH-XX-XX-DR-A-1400 Revision P10  
P19070-FCH-XX-XX-DR-A-1401 Revision P10;  
P19070-FCH-XX-XX-DR-A-1403 Revision P07;  
22/MEOLS/SITE1003 RevA;  
P19070-FCH-XX-B1-DR-A-1310 Revision P03;  
P19070-FCH-XX-XX-DR-A-1400 Revision P10  
P19070-FCH-XX-XX-DR-A-1401 Revision P10;  
P19070-FCH-XX-XX-DR-A-1403 Revision P07

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

3 The facing materials to be used in the external construction of this development hereby approved and set out in the Design and Access Statement shall then 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.

4 The dwellings hereby permitted shall not be occupied until a detailed scheme for landscaping (including a management plan) has been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the proposed landscaping shall include details of

the at least 20 replacement trees for those existing trees removed. The landscaping shall be carried out in accordance with the approved details before any of the apartments are occupied. The landscaping provisions shall be retained in situ in perpetuity.

**Reason:** In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

5 Prior to first occupation of the development hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the approved residential curtilage and be retained in situ in perpetuity.

**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.

6. The development shall be constructed in full accordance with the Construction Environment Management Plan (BlueOak Estates Limited, April 2023) as discharged under application reference: DIS/23/00813.

**Reason:** To adequately demonstrate biodiversity and highway safety is safeguarded.

7. The development hereby permitted shall not be occupied until details of bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

**Reason:** In the interest of biodiversity.

8. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect amenity, ecology and which does not result in excessive light spill onto the habitats in line The Institution of Lighting Professionals (ILP) Guidance shall be submitted for approval and implemented in accordance with those details. Further guidance is available at the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-batsandlighting>

**Reason:** In the interest of amenity and to preserve biodiversity and habitat in accordance with NPPF.

9. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

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

10. 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 order to ensure no net-loss in biodiversity.

11 The tree works methodology hereby approved and set out in accordance with the Arboricultural Method Statement (Mulberry, dated: 07/08/2023; Ref: MTM0016.MS/Rev E) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority.

**Reason:** To preserve the biodiversity of the site and health of the trees on the site in accordance with the NPPF and UDP Policy GR7.

12. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework.

13. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 22-MEOLS-SITE-101 Rev C – Amended Site Plan. The parking and servicing areas shall be retained as such thereafter.

**Reason:** To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

**Informatives:**

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 S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk). Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows: Water assets – [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk); Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk). It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development. It is the advice of the LLFA that the maintenance arrangements capable of ensuring an acceptable standard of operation for the lifetime of the development, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance of the system.

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| <b>Last Comments By:</b> | 10-02-2024       |
| <b>Expiry Date:</b>      | 12-December-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.