



## Planning Committee

<b>Date:</b>	<b>Wednesday, 7 May 2014</b>
<b>Time:</b>	<b>6.00 pm</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Vicky Rainsford  
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**1. MINUTES (Pages 1 - 8)**

To approve the accuracy of the minutes of the meeting held on 16 April 2014

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

Members of the committee 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.

**3. REQUESTS FOR SITE VISITS**

Members are asked to request all site visits before any application is considered.

**4. APP/13/01211: 4 SYLVANDALE GROVE, BROMBOROUGH, CH62 2AG - DOUBLE STOREY SIDE EXTENSION (Pages 9 - 12)**

**5. APP/13/01507: 361 CLEVELAND STREET, BIRKENHEAD, CH41 4JW - CHANGE OF USE TO 2 FLATS. (Pages 13 - 18)**

**6. OUT/14/00022: BURTONS FOODS, PASTURE ROAD, MORETON, CH46 8SE - DEMOLITION OF THE EXISTING BUILDINGS AND STRUCTURES TO FACILITATE MIXED-USE DEVELOPMENT COMPRISING RESIDENTIAL(CLASS C3) AND EMPLOYMENT (CLASS B1, B2 & B8) USES, ERECTION (Pages 19 - 38)**

**7. APP/14/00219: 20 TENBY DRIVE, MORETON, CH46 0QA - DEMOLITION OF EXISTING GARAGE AND ERECTION OF DETACHED DOUBLE GARAGE (Pages 39 - 42)**

8. **APP/14/00277: INGLEWOOD COTTAGE, INGLEWOOD, MORETON, CH46 0SD - CONVERT BUNGALOW TO A HOUSE WITH FIRST FLOOR (Pages 43 - 48)**
9. **APP/14/00348: 135 SEABANK ROAD, EGREMONT, CH45 7QL - PROPOSED REAR SINGLE STOREY EXTENSION. NEW PEDESTRIAN AND VEHICLE ACCESS GATES TO THE FRONT BOUNDARY. (Pages 49 - 54)**
10. **APP/13/01234: COPPINS HEY, 8 WOODLANDS DRIVE, BARNSTON, CH61 1AL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 NEW DWELLINGS (AMENDED PLANS). (Pages 55 - 62)**
11. **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

## PLANNING COMMITTEE

Wednesday, 16 April 2014

Present:

Councillor B Mooney (Chair)

Councillors

D Realey

D Elderton

S Kelly

P Brightmore

S Foulkes

A Leech

J Walsh

I Williams

E Boulton

W Clements

S Mountney

Deputies:

Councillors G Watt ( for P Hayes)

246 **MINUTES**

The Strategic Director for Transformation and Resources submitted the minutes of the meeting held on 20 March 2014

**Resolved – That the minutes be approved.**

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

Members of the Committee were asked to declare any disclosable pecuniary or non pecuniary interests in connection with any items on the agenda and to state the nature of the interest

No such declarations were made

248 **REQUESTS FOR SITE VISITS**

Members were asked to submit their site visits before any planning applications were considered.

No such requests were made.

249 **ORDER OF BUSINESS**

The Chair agreed to vary the order of business

250 **APP/13/01510 : 10 THE RIDGE, HESWALL, CH60 6SP : CONSTRUCTION OF TWO DETACHED HOUSES.**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

On a motion by Councillor Mountney and seconded by Councillor Brightmore it was:

**Resolved (13:0) That the application be approved subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th December 2013 and listed as follows: A101 Rev B (dated 11.13), A102 Rev A (dated 11.13), A103 Rev A (dated 11.13), A104 Rev B (dated 11.13), A105 Rev A (dated 11.13), A106 (dated 11.13), A107 (dated 02.13) & A108 (dated 02.13).**
- 3. Before any construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.**
- 4. Before the development hereby permitted is brought into use the south facing windows in the first floor of the dwelling located on plot 1 facing 36 Oldfield Way shall be obscurely glazed with frosted glass and non opening and shall be retained as such thereafter.**
- 5. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.**
- 6. Before development takes place a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) shall be submitted and agreed in writing with the LPA. This scheme shall include:**
  - A; the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.**
  - B; a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.**
  - C; a schedule of tree works for all the retained trees in paragraphs (a) and (b)**

above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

E; the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

F; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).

G; the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).

H; the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).

I; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

J; the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

K; the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).

7. The following activities must not be carried out under any circumstances:

a, No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

b, No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.

c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.

d, No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA

e, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

8. Prior to any works taking place, the site, and 30m zone around the site should be surveyed for badger setts. This is to be detailed within a

construction environmental management plan which is to be submitted to and agreed in writing prior to commencement on site. The construction environmental management plan shall detail any mitigation measures required as a result of the survey and shall be implemented in full in accordance with the approved scheme.

9. In accordance with the ecological survey (The Tyrer partnership) mitigation measures for the loss of Badger habitat and details of boundary fencing/walls to allow badgers to access the site shall be submitted to and agreed in writing prior to the commencement of development. The approved scheme and shall be implemented in full and retained as such thereafter.

10. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive unless otherwise agreed in writing by the Local Planning Authority.

11. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

12. 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.

13. Prior to the first occupation or use of the development, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

251 **OUT/14/00094 : 38 THURSTASTON ROAD, IRBY, CH61 0HF : OUTLINE PLANNING APPLICATION TO CREATE 2 NO. NEW RESIDENTIAL PROPERTIES.**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

It was moved by Councillor Clements and seconded by Councillor Watt

‘ That the application be refused on the following grounds:

The proposal would result in a form of development having a cramped and overdeveloped appearance and the siting of two additional dwellings on this plot would introduce a pattern of development that would lead to a detrimental change in the character of the area. The proposal is therefore contrary to the guidance within the National Planning Policy Framework and Policy HS4 of the Wirral Unitary Development Plan.'

The motion was put and lost (6:7)

It was then moved by Councillor Realey and seconded by Councillor Foulkes

'That the application be approved'

The motion was put and carried (7:6)

**Resolved (7:6) That the application be approved subject to the following conditions:**

**1. PRIOR TO COMMENCEMENT OF DEVELOPMENT, full details of the proposed vehicular access shall be submitted and approved in writing by the Local Planning Authority. This access should be a minimum of 4.5m wide in order to allow simultaneous access and egress in order to prevent waiting on the highway"**

**2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.**

**3. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:**

- (a) Layout**
- (b) Scale**
- (c) Appearance**
- (d) Access and**
- (e) Landscaping**

**Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.**

**4. Before any construction commences, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.**

**5. 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.**

**6. Prior to first occupation or use of the development, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.**

252 **APP/14/00120 : FIELDCREST, THORNTON COMMON ROAD, THORNTON HOUGH, CH63 0LT : TO CONSTRUCT A SMALL SCALE, SINGLE STOREY, LOW IMPACT TIMBER STRUCTURE FOR HORTICULTURAL AND TRAINING PURPOSES ON DESIGNATED HORTICULTURAL LAND.**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

On a motion by Councillor Foulkes and seconded by Councillor Elderton it was:

**Resolved (13:0) That the application be approved subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 11 February 2014.**
- 3. The building hereby approved shall be used for horticultural training purposes only and for no other purpose (including any other purpose in use class D1) of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005, or any subsequent Order or Statutory provision revoking or re-enacting that Order.**
- 4. No development shall take place until 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.**
- 5. Prior to first occupation or use of the development, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.**

253 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 10/03/2014 AND 06/04/2014.**

Councillor Realey queried an application that had been approved for 8 Clarence Road, Tranmere. The Councillor spoke of residents concerns that they had not been informed of this development and their dissatisfaction at numbers of flats in the area.

The Head of Regeneration & Planning responded and stated that at present there is no approved Neighbourhood Plan in place to restrict numbers of flats in the area. Work is in progress with local residents to formulate



and adopt policies within the Neighbourhood Plan framework but as yet the Neighbourhood Plan has not been subject to Inspection nor has it been tested through a referendum.

The Head of Regeneration & Planning agreed to formally write to Councillor Realey to clarify the situation.

**Resolved** – That the report be noted.

254 **PLANNING APPEALS DECIDED BETWEEN 01/01/2014 AND 31/03/2014.**

The Strategic Director of Regeneration and Environment submitted a report detailing planning appeals decided between 01/01/2014 and 31/03/2014.

**Resolved** – That the report be noted.

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# Agenda Item 4

## Planning Committee

07 May 2014

**Reference:**  
**APP/13/01211**

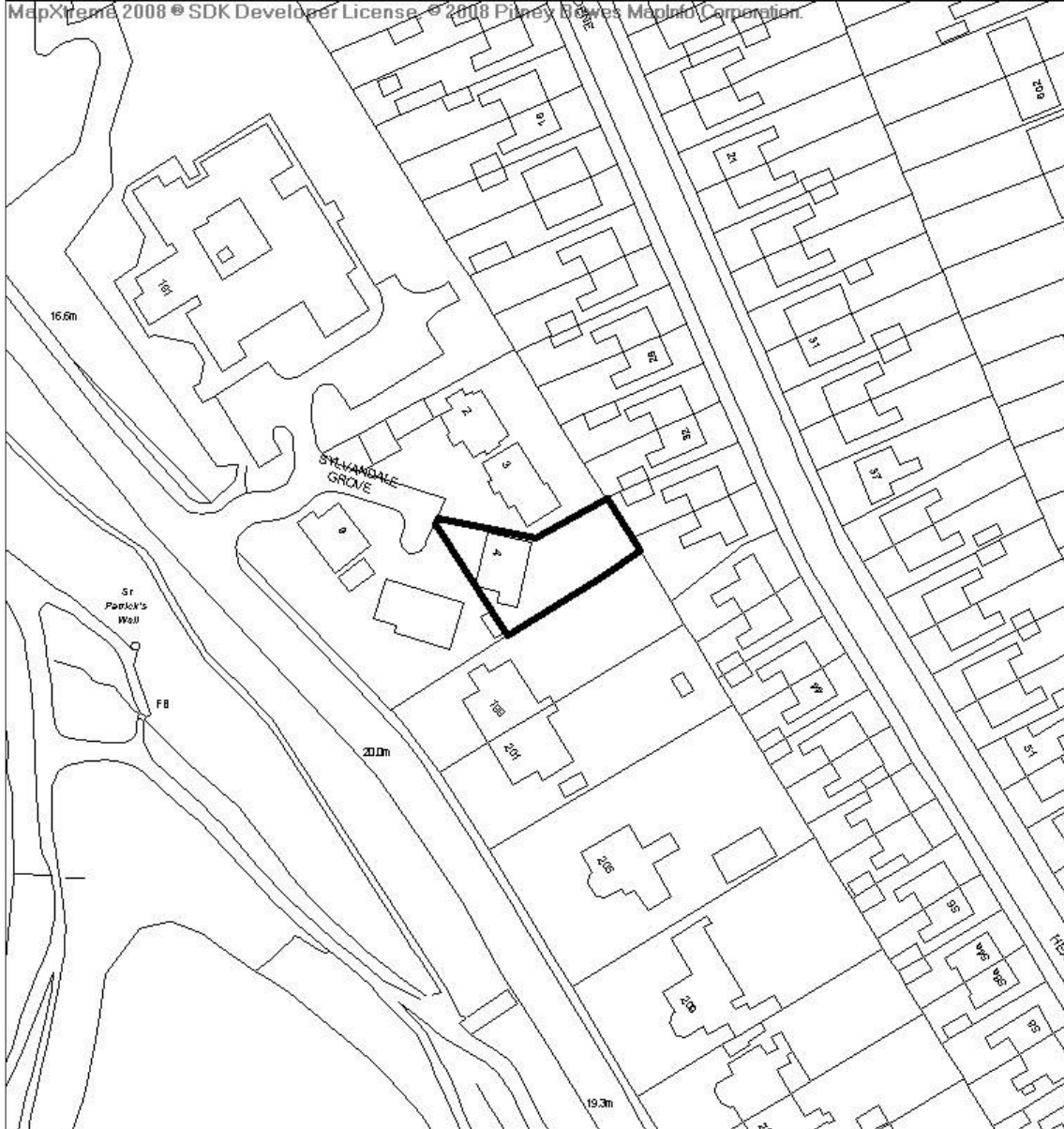
**Area Team:**  
**South Team**

**Case Officer:**  
**Mrs J McMahon**

**Ward:**  
**Bromborough**

**Location:** 4 SYLVANDALE GROVE, BROMBOROUGH, CH62 2AG  
**Proposal:** Double storey side extension  
**Applicant:** Mr Wayne Bryant  
**Agent :** SDA

### Site Plan:



**Development Plan allocation and policies:**  
Primarily Residential Area

**Planning History:**

No planning history

### **Summary Of Representations and Consultations Received:**

#### **REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Planning Applications, 7 notifications were sent to adjoining properties and a site notice was displayed near the site - 4 objections have been received from 3, 5 and 6 Sylvandale Grove and 199 Spital Road stating:

1. Loss of light and overshadowing
2. Loss of privacy
3. Extension would be disproportionate
4. Extension would be too close to neighbouring property
5. Extension would impact on the spacing between the houses

#### **CONSULTATIONS**

No consultations necessary

### **Director's Comments:**

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council.

#### **INTRODUCTION**

The application is for the erection of a 2-storey side extension, at ground floor level the development incorporates the footprint of an existing detached garage, porch and utility room.

#### **PRINCIPLE OF DEVELOPMENT**

The site lies within an area designated as primarily residential where the erection of extensions to dwellings is acceptable in principle.

#### **SITE AND SURROUNDINGS**

The site is occupied by a modern detached house that is one of 5 houses that vary slightly in design, the houses a large buildings built on relatively small plots arranged around a short cul-de-sac.

#### **POLICY CONTEXT**

National Planning Policy Framework, UDP Policy HS.11 and the Supplementary Planning Policy Guidelines: House Extensions have been considered in the determination of this application.

The proposal must be considered against the NPPF published on 27th March 2012; this supports sustainable development which encompasses good design. Developments should make a positive contribution to an area and use opportunities to improve the character and quality of an area.

HS.11 focuses on domestic extensions and the criteria they must comply with. SPG11 is a set of guidelines, which have been prepared to inform householders about issues relating to house extensions and to encourage a better standard of design.

#### **APPEARANCE AND AMENITY ISSUES**

The original scheme has been revised reducing the impact of the extension and resulting in a form of development that relates well to the existing dwelling. The amended scheme is considered to complement the shape and proportions of the original building, the set back of 1 metre will ensure the extension remains in scale and subordinate to the main house.

The house sits at an angle to the house behind, 199 Spital Road, because of the lack of screening on the boundary all of the rear windows currently overlook the rear garden of no.199. A tree in the garden of this neighbouring property currently affords some privacy immediately behind the house. The new windows in the proposed extension will be closer to the shared boundary and therefore a condition will be imposed requiring all new glazing to be obscure and non-opening up to 1.7 metres

from the finished floor level.

A loss of spacing between the houses has been cited as one of the reasons for objection, however, the street scene is already fairly cramped because of the angles the houses sit at to each other. The set back and the lower ridge will ensure the extension would not appear overly dominant in the street picture. The adjacent property, 5 Sylvandale Grove, has 3 small windows in the side elevation facing the application property, these windows are a design feature and provide a secondary source of light.

#### **SEPARATION DISTANCES**

Separation distances do not apply in this instance.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The development is acceptable in design terms and will have no significant impact on neighbouring property. The proposal satisfies the criteria set out in Policy HS.11 of Wirral's Unitary Development Plan, Supplementary Planning Guidelines: House Extensions and the National Planning Policy Framework.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The development is acceptable in design terms and will have no significant impact on neighbouring property. The proposal satisfies the criteria set out in Policy HS.11 of Wirral's Unitary Development Plan, Supplementary Planning Guidelines: House Extensions and the National Planning Policy Framework.

**Recommended Decision:**                      **Approve**

#### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 2 April 2014 and listed as follows: drawing nos. 132\_2013\_01 and 02 dated 28 March 2014.

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

3. All new glazing in the south-east facing elevation shall be obscure and non-opening up to a height of 1.7 metres from the internal finished floor level and shall remain as such thereafter.

**Reason:** In the interests of residential amenity.

**Further Notes for Committee:**

**Last Comments By:** 20/11/2013 10:13:17

**Expiry Date:** 11/12/2013



## **Planning History:**

Location: The Old English Cafe, 361 CLEVELAND STREET, BIRKENHEAD, CH41 4JW  
Application Type: Planning Pre-Application Enquiry  
Proposal: Convert ground floor cafe to two self contained flats  
Application No: PRE/13/00112/ENQ  
Decision Date: 20/09/2013  
Decision Type: Pre-Application Reply

Location: Old English Gentleman Cleveland St Birkenhead  
Application Type: Advertisement Consent  
Proposal: 2 illuminated lantern signs.  
Application No: ADV/75/02212  
Decision Date: 01/04/1975  
Decision Type: Conditional Approval

Location: 361 Cleveland Street, Birkenhead, Wirral, CH41 4JW  
Application Type: Full Planning Permission  
Proposal: Change of use to café  
Application No: APP/04/07570  
Decision Date: 14/03/2005  
Decision Type: Approve

## **Summary Of Representations and Consultations Received:**

### **REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Applications, 10 neighbour notification letters were sent to adjoining properties. A site notice was also displayed. At the time of writing, no objections have been received.

### **CONSULTATIONS**

Head of Environment and Regulation (Traffic and Transportation Division) - No objections

Head of Environment and Regulation (Pollution Control Division) - No objections

## **Director's Comments:**

### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Harry Smith requested that the application be removed from delegated authority. Councillor Smith also requests a Planning Committee site visit and is supportive of the application, stating that leaving the premises as it is could lead to vandalism and that the additional residential units is a 'natural course of events' and there is 'plenty of other housing in the immediate area'.

### **INTRODUCTION**

The application seeks permission for a change of use of the ground floor of no. 361 Cleveland Street to form two bedsit flats. The previous use of this floor was as a cafe, 'The Old English Cafe'. The only operational development would be the insertion of a door to the elevation of the building facing Livingstone Street, replacing a window.

### **PRINCIPLE OF DEVELOPMENT**

The site is designated as a Primarily Industrial Area in the Unitary Development Plan. There is no provision for uses within Use Class C3 under relevant UDP Policy EM8.

### **SITE AND SURROUNDINGS**

The application site is at the junction of Livingstone Street and Cleveland Street, an area supporting light and heavy industrial land uses. Land immediately to the west and south (the former Whitbread brewery site) is currently in a mixed use for materials storage/reclamation and vehicle storage/maintenance. To the north and east there are further industrial and sui generis uses, and vacant areas of land, which has been cleared of hard to let housing and identified for new



employment development as part of an approved disposal regeneration strategy.

The application site consists a former public house, the upper floors of which are in residential use as two flats. The ground floor was last used as a cafe, with permission granted for the cafe use in 2004 (application APP/04/07570). The nearest houses are located more than 150 metres to the south.

#### **POLICY CONTEXT**

The site is located within a Primarily Industrial Area and UDP Policy EM8 of the Unitary Development Plan only permits development within Use Classes B1 – business use, B2 – general industrial, and B8 – storage and distribution. UDP Policy PO4 also sets out criteria for assessing of noise-sensitive development. Although applicable in Primarily Residential Areas UDP Policy HS13: Self Contained Flat Conversions and supplementary guidance in SPD2 would be relevant. Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

The proposal is a departure from the Unitary Development Plan. Planning legislation makes it clear that the application must be determined in accordance with the statutory development plan unless there are material considerations to indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration and the Government wants the planning system to do all that it can to support sustainable economic growth, and recognise that businesses should not have unreasonable restrictions put on them because of changes in nearby land use, but expects planning policies to avoid long term protection of employment premises where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect, applications should be treated on their merits having regard to market signals and relative need for different uses to support sustainable communities (NPPF paragraphs 18-22 & 123 refer).

The Council also resolved that the Core Strategy Local Plan Submission Draft will be material in the determination of planning applications. Draft Policy CS17 will continue to safeguard designated employment areas, however, it makes provision for compatible alternative uses where it is not suitable for one of the priority sectors, there has been continuous marketing and there is no reasonable prospect of the site being re-used for employment purposes.

There is an absence of information, which was requested in pre-application advice and after the application was made, about the length of vacancy and marketing the site for uses permitted under UDP Policy EM8.

The applicant has indicated that the former cafe attracted 7 different leaseholders, claims that high overheads and small income meant that none of these businesses were sustainable and contends the only 'industrial' use that would be suitable is a B1 use due to existing residential units above but this is unlikely to be secured because of conversion costs.

Nevertheless, this has not been verified through continuous marketing for the permitted employment uses at a realistic price. The latest market signals are indicating that the country is now coming through the worst excess of the recession and the continued ability to attract new tenants to run the former cafe indicates that there is at least a significant chance that the application site could be used successfully for a non-residential purpose which is suitable for this area. Members should also be aware that there is no planning history of the above floors being converted to residential use, and therefore only one of these units would appear to be lawful. It is therefore considered that insufficient evidence has been provided to demonstrate that the premises cannot be used for a use which complies with policy.

In terms of compatibility, the proposed residential units would immediately adjoin a reclamation yard and vehicle storage and maintenance operation. The site on the opposite corner to the north is one areas of cleared of unsuitable housing at the heart of the Cleveland Street corridor for new employment development as noted in Wirral Employment Land and Premises Study Refresh (September 2012). Thus it can be contended that the application site is not in as suitable location for residential development.

Whilst the unit is currently unoccupied, and bringing it back into a compatible use would be beneficial, this location is unsuitable for residential use. A unit within a Primarily Industrial Area being vacant should not automatically result in the conversion of that unit to residential use being acceptable. Given the lack of supporting and marketing information, to allow the conversion of this premises to residential use may set an unacceptable precedent for any vacant units/premises within a Primarily Industrial Area to be granted planning permission for conversion to residential use.

#### **APPEARANCE AND AMENITY ISSUES**

In terms of appearance, the only alteration to the appearance of the development would be the replacement of a window with a door on the Livingstone Street elevation. The change is very modest and would not impact to the appearance of the building or the streetscene.

UDP Policy HS13 and SPD2 sets out relevant criteria for self-contained flat conversions. It is considered that the internal layout of the flats is appropriate, with the main living rooms having reasonable outlook, soundproofing between flats and no issues of overlooking. However external amenity open space is not provided, though access to a yard/garaging area to the south of the units would provide some defensible space. It should be noted that Birkenhead Park at the southern end of Livingstone St is beyond the Council's normal standard of 400 metres walking distance to accessible public open space.

Residential development is a noise sensitive use and has the propensity to impact of the operations of neighbouring businesses.

#### **SEPARATION DISTANCES**

As surrounding land uses are non-residential, separation distances do not apply to this application.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no adverse highway implications relating to this proposal. Whilst no off-street parking is indicated, on street parking is available without harm to highway safety.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

Policy PO4 states the Local Authority must consider existing noise exposure and background noise in the locality. Noise sensitive development such as residential housing will only be permitted in locations which are not expected to become subject to unacceptably high levels of noise. The wider area contains a number of different industrial uses, many of which do not have restricted hours. The proposal would result in the establishment of a noise sensitive development within a designated industrial area. The proposal may result in a detrimental effect on adjacent commercial uses and would therefore conflict with policy PO4 - Noise Sensitive Development of the Wirral Unitary Development Plan.

The National Planning Policy Framework (NPPF) expects the planning system to do all that it can to support sustainable economic growth, and recognise that businesses should not have unreasonable restrictions put on them because of changes in nearby land use.

#### **HEALTH ISSUES**

There are potential health implications from noise and disturbance from adjoining industrial uses, which could be mitigated through a condition for sound insulation..

#### **CONCLUSION**

The proposal would conflict with the provisions of Policy EM8: Development within Primarily Industrial Areas of the adopted Wirral Unitary Development Plan and would have a detrimental impact on the purpose and character of the Primarily Industrial Area. The proposal would result in the establishment of a noise sensitive development within a designated industrial area. The proposal may result in a detrimental effect on adjacent commercial uses and would therefore conflict with UDP Policy PO4: Noise Sensitive Development of the Wirral Unitary Development Plan.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary

Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal would conflict with the provisions of Policy EM8: Development within Primarily Industrial Areas of the adopted Wirral Unitary Development Plan and would have a detrimental impact on the purpose and character of the Primarily Industrial Area. The proposal would result in the establishment of a noise sensitive development within a designated industrial area. The proposal may result in a detrimental effect on adjacent commercial uses and would therefore conflict with Policy PO4: Noise Sensitive Development of the Wirral Unitary Development Plan.

**Recommended            Refuse**  
**Decision:**

**Recommended Conditions and Reasons:**

1. The proposal would conflict with the provisions of Policy EM8 in the Wirral Unitary Development Plan which makes provision for employment uses in Use Class B1, B2 or B8 and reconstruction, extension or expansion of existing businesses, and is also contrary to the National Planning Policy Framework and Policy CS17 'Protection of Employment Land' in the Core Strategy for Wirral – Proposed Submission Draft because the submitted evidence does not demonstrate that there is no reasonable prospect of the site being used for these purposes.
2. The proposal would be detrimental to the purpose and character of the area and could perpetuate the establishment of noise sensitive development to detriment neighbouring businesses. This could set an undesirable precedent that could undermine sustainable economic growth and employment opportunity if replicated elsewhere within the Primarily Industrial Area. This is contrary to the intentions of Policy EM8: Development within Primarily Industrial Areas and Policy PO4: Noise Sensitive Development in the Wirral Unitary Development Plan and the National Planning Policy Framework.

**Further Notes for Committee:**

**Last Comments By:** 31/01/2014 14:31:01  
**Expiry Date:** 23/01/2014

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## Planning Committee

07 May 2014

**Reference:**  
**OUT/14/00022**

**Area Team:**  
**North Team**

**Case Officer:**  
**Ms J Storey**

**Ward:**  
**Leasowe and  
Moreton East**

**Location:**  
**Proposal:**

Burtons Foods, PASTURE ROAD, MORETON, CH46 8SE  
Demolition of the existing buildings and structures to facilitate mixed-use development comprising residential(class C3) and Employment (class B1, B2 & B8) uses, erection of a new security hut, access road and enhancement of the existing access.

**Applicant:**  
**Agent :**

Burton's Biscuit Company  
GVA

### Site Plan:



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**Development Plan allocation and policies:**

Washland  
Primarily Industrial Area

**Planning History:**

Location: Land to the East and West of Premier Brands fronting Reeds Lane and Pasture Road, Moreton, Wirral L46 8SE  
Application Type: Outline Planning Permission  
Proposal: Use of land for development within Use Classes B1 B2 and B8 (outline) (Business, general industrial and distribution)  
Application No: OUT/98/05016  
Decision Date: 22/05/1998  
Decision Type: Approve

**Summary Of Representations and Consultations Received:****REPRESENTATIONS**

Having regards to the Council's Guidance on Publicity for Applications, 198 neighbour notifications were sent to surrounding properties. Three site notices were displayed and a Press Notice was placed in the Wirral Globe. At the time of writing the following representations have been received:

Councillor Ian Lewis objects to the proposals on the grounds that they are inappropriate development in terms of existing designation of the site: housing on land that is designated for employment, lack of supporting evidence to warrant inclusion of Industrial units, unsuitable location due to flood risk

The Occupier of 138 Pasture Road also objects on the following grounds:

1. construction of residential units in a high flood risk area;
2. the proposed development of residential houses along Pasture Road would greatly increase the flood risk to our property and business;
3. the soil in this area is very clay based and is often water logged during winter months;
4. the existing flood defences are not sufficient for the changes proposed;
5. the risk of disturbance to the local flora and Fauna; and
6. lack of flood defence methods in the proposed plans

CBRE on behalf of Premier Foods also raise concerns that the consequences of residential development within close proximity to manor bakeries could have a detrimental impact upon the operational efficiency of its business. As such they are keen to ensure that the noise assessment supporting the application is robust and accurately assesses and takes into account of all surrounding land uses. Does not consider that the that the submitted noise assessment does not adequately consider the potential impacts of the industrial operations associated with Manor Bakeries, Typhoo or the Burton's Buiscuttes Chocolate Refinery upon the occupants of the proposed developments. Have reviewed the baseline noise data against the identified hours of operation and are concerned that no weekend noise surveys were undertaken at any point when general ambient noise levels in the area would be reduced e.g when general ambient noise levels would be in the area would be reduced. Manor Bakeries operates at a weekend, we would expect consideration of potential weekend noise impacts when the bakery is operational. Dissatisfied that the construction assessment provided is limited only to impacts on surrounding residential receptors. The assessment makes no reference to the potential impacts of piling on the directly adjacent industrial uses.

**CONSULTATIONS**

Wirral Wildlife - happy to accept the Ecological report as sufficient - there is little ecological value to the existing site, concern relates to possible effects on the River Birket, there is a good possibility that water voles use the Birket. The Ecological report did not check the holes found in the river bank as to whether they were Water voles and these are protected under the Wildlife and Countryside Act 1981 Consideration to flood risk has been given, and to pollution during construction and oil interceptors are proposed for the industrial area. However there seems to be an assumption that the housing would not lead to pollution of the river. The Ecology report mentions Sustainable Drainage Systems but the master plan has no space allocated for these. There is no assessment of whether the total built area will change, if there are more hard surfaces, then more rain will run off and at a greater rate.

Climate change, in particular, more intense rainfall events A condition that SuDS provision must be made for the attenuation of roof and road water and to ensure all surface water from the development passes through vegetated area such as swales before reaching the river to absorb pollutants and regulate flow. A further condition should be applied that the proposed buffer Zones in the outline plan to protect both the river and pond. The footpath identified on the outline drawing should be re-routed in order to protect the existing wildlife along the river. Arrangements must be made for long-term management of the buffer Zone. A condition to determine the best form of mitigation for the protection of the roosting birds. Please to note that both the fishing pond and water feature are to be retained. The trees are of relatively low wildlife value, a condition is required to protect their roots during constructing.

Natural England - this application is in close proximity to the Meols Meadows and North Wirral Foreshore Sites of Special Scientific Interest (SSSI). These SSSI's form part of the Mersey Narrows & North Wirral Foreshore Ramsar and SPA and the Dee Estuary SAC. Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Mersey Narrows & North Wirral Foreshore Ramsar and SPA and the Dee Estuary SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.<sup>1</sup> In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Meols Meadows and North Wirral Foreshore SSSI's have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application. We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages. If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Environment Agency - no objection in principle to the proposed development. Reviewed the supporting documents with regards to flood risk (Environmental Statement, Volume 1 – Main Report, December 2013, and Environmental Statement, Volume 2 – Technical Appendices, 14.1 – Flood Risk Assessment, Ref: CIV 15138/FRA-R1, December 2013) and it is the Agency's view outline

planning permission for development would be conditionally acceptable from a flood risk perspective, subject of course to the necessary exception and sequential tests being carried out (as required by the National Planning Policy Framework (NPPF)).

Merseyside Environmental Advisory Service (MEAS) - No objections

Head of Environment & Regulation (Pollution Control Division)- No Objections subject to conditions relating to a full site investigation and risk assessment and the implementation of a remediation scheme if applicable.

Network Rail - No objections in principle

United Utilities - No objections subject to conditions attached to any approval - relating to the submission of details relating to foul drainage, and surface water drainage.

Sports England - Object on the grounds that the proposal does not accord with any of the exceptions in Sport England's Playing Fields policy or paragraph 74 of the National Planning Policy Framework

Head of Housing and Community Safety (Housing) - The applicant should be providing 20% affordable housing unless the economic viability assessment identifies that less is justified, in terms of the 106, the applicant should engage with a registered provider to ensure any units meet Homes and Community Agency Standards and Registered provider requirements, Lifetime homes should be detailed in any new planning application, applicants need to work with a registered provider to ensure that size standards are taken into account. there are concerns that the loss of the factory will impact on the future of other employment sites in the vicinity of the site.

Economic Programme Delivery Manager- concern that if it is approved it would lead to a loss of employment land in this part of the Borough in a high unemployment area.

Head of Environment & Regulation (Traffic and Transportation Division) - No objection on traffic or highway safety grounds to those matters being sought for approval. However in respect of the indicative layout, this is not acceptable in terms of compliance with Manual For Streets 2. In particular the internal carriageways shown designed in long straights allowing excessive vehicle speeds. A suitable layout may ultimately require a reduced number of dwellings.

#### **Director's Comments:**

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

This application is for Major Development and under the provisions of the Scheme of Delegation for Determining Planning Applications this application is required to be considered by the Planning Committee.

#### **INTRODUCTION**

The purpose of this report is to determine an outline application for mixed-use development, comprising residential development (up to 234 dwellings) and employment (class B1, B2 and B8) uses, erection of a new security hut, access road and enhancement of the existing access.

The site was originally developed for the production of confectionary by Cadbury's in the early 1950s. Expansion of the original buildings and production was extended through the 1950s, 60s and 70s and employed 4,000 staff at the peak of its operation. During the '80s the business was bought in a management buy out and became Premier Brands UK Ltd. From 2007 onwards buildings and operations within the site began to close and operations contracted. The existing buildings on the site are now all vacant.

This is an outline application with only the means of access fixed. The proposed development comprises of the:

- demolition of the existing manufacturing buildings equating to a total floor area of 41,841m<sup>2</sup>,
- construction of up to 234 houses comprising of a mix of 2, 3, 4 and 5 bed accommodation and
- provision of employment land and infrastructure to accommodate up to a maximum of 3,901m<sup>2</sup>



gross external space suitable for small to medium enterprises within Use Classes B1, B2 and B8

The development is intended to deliver the infrastructure and serviced employment plots only, new built industrial units would not be delivered as part of this proposal. The submission also includes parameter plans that identify the maximum amount of both developable area and possible open space and landscaping. With regards to the access, the access from Pasture Road will be retained to serve the proposed residential part of the proposal. A new access road is also to be created from Pasture Road to the north of the site to serve the proposed employment area.

The Council' adopted Statement of Community Involvement strongly encourages landowners and developers to undertake pre-application community consultation, especially for large, complex or controversial proposals such as this.

A consultation programme was undertaken by the applicant that included a leaflet distribution to nine and a half thousand properties, a community information line, a press release in local newspapers, poster displays in local venues and a public exhibition was held at Moreton community centre with a councillor preview session held beforehand. The submitted community consultation statement indicates that up to 100 people attended the event and a number feedback forms were returned and can be summarised as:

- 6 fully support the proposal,
- 18 support the proposal in part, and
- 35 do not support the proposal.

The applicant has summarised the residents' concerns as: flood risk, highways, ecology, visual impact and the loss of employment land

#### **PRINCIPLE OF DEVELOPMENT**

The site is designated as a Primarily Industrial Area in the Unitary Development Plan. There is no provision for residential development within Use Class C3 under UDP Policy EM8.

#### **SITE AND SURROUNDINGS**

The application site comprises of 12.3 hectares of land containing vacant industrial buildings and playing fields and a bowling green to its north and west. The site is defined by the River Birket to the north, Pasture Road to the west, Morton Railway Station and rail track to the south and industrial buildings to the east. The main road frontage along Pasture Road contains an area of landscaping and a water feature.

There are residential uses to the opposite side of the railway track to the south of the site. The area as a whole is predominantly characterised by industrial employment uses. The site adjoins the Burtens Foods, Premier Foods/Manor Bakeries and Typhoo Tea industrial complex to the east and the Tarran industrial estate is located to the immediate west.

The site contains a playing field to the west of the site and a bowling green to the north. The total sports provision equates to 2.4 ha.

The site is 700m from Mersey Narrows and North Wirral Foreshore SPA/Ramsar. Land directly to the north, including Ditton Lane Nature Area and fields to the north, is identified as a WeBS count sector and provides supporting habitat for bird species for which the SPA/Ramsar has been designated

#### **POLICY CONTEXT**

##### **Development Plan Allocations and Policies**

The statutory development plan consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan (adopted 18 July 2013). UDP policies relevant to this application include:

Policy URN1 Development and Urban Regeneration  
Policy EM8 Development within Primarily Industrial Areas

Policy EM6 Criteria for New Employment Development  
 Policy EM7 Environmental Criteria for New Employment Development  
 Policy HS4 Criteria for New Housing Development  
 Policy HSG2 Affordable Housing  
 Policy HS6 Principles for Affordable Housing  
 Policy GR5 Landscaping and New Development  
 Policy GR6 Greenspace within New Family Housing Development  
 Policy REC1 Principles for Sport & Recreation  
 Policy RE11 Criteria for Children's Play Facilities  
 Policy NC1 Protection of Sites of International Importance for Nature Conservation  
 Policy NC5 Protection of Sites of Local Importance for Nature Conservation  
 Policy NC7 Species Protection  
 Policy TRT1 Provision for Public Transport  
 Policy TRT3 Transport and the Environment  
 Policy TR8 Criteria for the Design of Highway Schemes  
 Policy EM6 Criteria for New Employment Development  
 Policy EM7 Environmental Criteria for New Employment Development  
 Policy HS4 Criteria for New Housing Development  
 Policy HSG2 Affordable Housing  
 Policy HS6 Principles for Affordable Housing  
 Policy GR5 Landscaping and New Development  
 Policy GR6 Greenspace within New Family Housing Development  
 Policy REC1 Principles for Sport & Recreation  
 Policy RE11 Criteria for Children's Play Facilities  
 Policy NC1 Protection of Sites of International Importance for Nature Conservation  
 Policy NC5 Protection of Sites of Local Importance for Nature Conservation  
 Policy NC7 Species Protection  
 Policy TRT1 Provision for Public Transport  
 Policy TRT3 Transport and the Environment  
 Policy TR8 Criteria for the Design of Highway Schemes  
 Policy TR9 Requirements for Off-Street Parking  
 Policy TR11 Provision for Cyclists in Highway and Development Schemes  
 Policy WAT1 Fluvial and Tidal Flooding  
 Policy WA1 Development and Flood Risk  
 Policy WA2 Development and Land Drainage  
 Policy WA5 Protecting Surface Waters  
 Policy WA6 Development within River Corridor  
 Policy PO4: Noise Sensitive Development.

Relevant Policies in the Joint Waste Local Plan (adopted 18 July 2013) include:

Policy WM8 – Waste Prevention and Resource Management  
 Policy WM 9 – Sustainable Waste Management Design and Layout for New Development,

The site is designated as part of a Primarily Industrial Area as shown on the Unitary Development Plan (UDP) Proposals Map. Strategic UDP Policy URN1 seeks to ensure full and effective use of land is made within urban areas. This should be read in conjunction with UDP Policy EM8, which makes provision for uses within Use Classes B1, B2 and B8 and proposals for the reconstruction, extension or expansion of existing business. Thus the proposal for residential development is a departure from the UDP and has been advertised as such.

Section 38 of the Planning and Compulsory Purchase Act 2004 states that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework (NPPF) became a material planning consideration on 27th March 2012. This indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and that paragraphs 18 to 219 taken a whole constitute the Government's view of what this means in practice for the planning system. Paragraph 14 and its

footnote make it clear that locations at risk from flooding should be restricted and are not subject to the national presumption in favour of sustainable development.

The Council has also resolved that the Core Strategy Local Plan - Proposed Submission Draft (December 2012) and its supporting documents including the Wirral Employment Land and Premises Study Update (BE Group, 2012) and the Wirral Strategic Housing Land Availability Assessment Update 2012 (Wirral Council and A.P.Sheehan 2012) will be material considerations for the purpose of determining planning applications.

The Council published a series of initial proposed modifications to the Proposed Submission Draft in July 2013, which should also be considered, although this has not yet been confirmed as Council policy.

Flood risk and the availability of other sites with a lower probability of flooding, the need for residential development set against the need for industrial development, potential impacts on the character of the area and neighbouring uses, the loss of former playing fields and any benefits that might be accrued in context with the National Planning Policy Framework (NPPF) and the emerging Core Strategy Local Plan are the principal material considerations in this particular case

### **Flood Risk and the National Sequential Test**

Although not designated as part of the Washland on the UDP Proposals Map, the site falls within the wider flood plain for the River Birket and Liverpool Bay to the North and crosses Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map, where risks from river and tidal flooding are normally considered to be medium to high. UDP Policies WAT1 and WA1 only permit development that would not increase flood risk elsewhere. Draft Core Strategy Policy CS34 updates this position in the light of the Council's Strategic Flood Risk Assessment and makes it clear that the national sequential assessment will be applied in determining planning applications. Development would not be permitted where: there would be an unacceptable risk of flooding or risk is increased elsewhere or where there would be maintenance liabilities or complicated emergency procedures.

The Environment Agency does not object to the application on flood risk grounds, subject to the imposition of certain planning conditions. Their consultation response indicates that there is a risk of flooding in some areas of the site from breach failure or flows overtopping existing defences, but concludes that the standard of protection is sufficiently high on site and flood risk is not increased elsewhere. The Environment Agency recommends that conditions are, however, applied to prevent development in breach zones, control surface water discharges, floor levels, drainage, contamination and ecology.

NPPF, paragraphs 101 and 103 makes it clear that the aim of the sequential test is to steer new development to areas where there is a lower probability of flooding. This is clarified in the National Planning Policy Guidance (6 March 2014, paragraphs 18 & 19) which indicates that if there are no reasonably available sites in Flood Zone 1, the vulnerability of development in Flood Zone 2 and thereafter Flood Zone 3 can be taken into account. If found that it is not possible to build where flood risk is lower, an 'exception test' can be applied if the wider sustainability benefit to the community would outweigh the risk.

Responsibility for assessing compliance with the sequential approach lies with Wirral Borough Council, not the Environment Agency. Even where the Agency does not object on flood risk grounds, the requirement to consider whether the proposal could be accommodated on sites at lower probability of flooding remains. The applicant contends that the sequential test is not necessary because of existing flood defences, but carried out a search for sites that could accommodate 20 dwellings or more, before claiming that sufficient land is not available in Flood Zone 1 within Wirral to accommodate the Council's housing requirements.

However, evidence in the Council's Annual Monitoring Report (AMR) 2013 showed planning permission was in place for 3,155 dwellings in April 2013, of which 1,231 units were on sites awaiting implementation (AMR Appendix 4). The latest findings to be incorporated into the Council's Strategic Housing Land Availability Assessment (SHLAA) identifies that there is sufficient land within the urban area of the Borough to accommodate up to 1,354 units on Category One sites without planning

permission at April 2013, which have been assessed as available, suitable and achievable within the next 5 years. For example, in terms of some of the larger sites, Acre Lane (8.54 ha) is capable of accommodating 192 dwellings, Highfield South (8.2ha) 180 dwellings and Milner Street (2.79ha) 125 dwellings. Therefore, contrary to the applicant's assertion, there are alternative sites elsewhere with a lower probability of flooding, which are capable of accommodating the amount of housing proposed in this development.

Additionally, the potential extra capacity at Wirral Waters has not yet been included. The future rate of delivery at Wirral Waters will be assessed as part of the forthcoming Core Strategy Viability Assessment, which is expected to report in mid 2014.

Nevertheless, it can be concluded that having applied the sequential test that it is possible, consistent with wider sustainability objectives, for the amount of housing proposed in this development to be located on reasonably available sites in zones with a lower probability of flooding.

## **The Need for Housing and Employment Land**

### *Housing Land*

The NPPF expects local planning authorities to deliver a wide choice of high quality homes by meeting objectively assessed needs for market and affordable housing and maintaining a five-year supply of specific developable housing sites, with a buffer of between 5% and 20% (NPPF paragraph 47).

The latest calculations on the supply of land for housing are set out in the Council's Annual Monitoring Report (AMR) 2013. The calculation based on the former Regional Strategy for the Northwest (RSS) housing requirement shows there would be a housing land supply of between 3.6 and 4.2 years. Following the Government's decision to revoke the former Regional Strategy for the Northwest (RSS), the Council's Cabinet resolved to adopt national CLG 2008-based household projections to calculate housing requirements in the period between the revocation of RSS and the adoption of the Core Strategy Local Plan (Cabinet 2 February 2012, Minute 284 refers). Since then CLG 2011-based interim projections were published in April 2013, to take account of the 2011 Census. The calculations using the Government's household projections show there is a housing land supply in Wirral of between 5.3 and 7.5 years, assuming that sites identified as available for development come forward.

As indicated above, the Council is currently undertaking studies to assess the viability of all development to deliver the emerging Core Strategy and to decide on the number of new homes that will be needed as part of its Core Strategy Local Plan, which will not be available until later this evidence does not demonstrate that there is no reasonable prospect of the site being used for these purposes.

### *Employment Land*

In terms of building a strong competitive economy the Government wants the planning system to do all that it can to support sustainable economic growth, and recognise that businesses should not have unreasonable restrictions put on them because of changes in nearby land use, but expects planning policies to avoid long term protection of employment premises where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities (NPPF paragraphs 18-22 & 123 refer).

Although UDP Policy EM8 only makes provision for industrial uses within Use Classes B1, B2 and B8, draft Core Strategy Policy CS17 proposes, in line with national policy, to continue to safeguard designated employment areas, with provision for compatible alternative uses:

- where the site is not suitable for one of the priority sectors; and
- there has been continuous marketing at realistic prices and there is no reasonable prospect of the site being re-used for employment purposes;
- the uses are compatible with the character of the surrounding area, would not restrict operation of

- other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; and
- an ongoing supply of available, suitable, developable employment land would be retained; and
- the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; and
- additional housing is needed to demonstrate a 5 year supply of housing land; or
- the development is necessary to secure employment development that would not be otherwise viable.

Priority is to be given to protecting high scoring sites capable of providing employment and training in areas of greatest need.

It is also a key priority of the Council's Investment Strategy to increase the number of jobs and employment opportunities for Wirral residents, particularly in areas of the Borough where there are high levels of unemployment, which include Leasowe and Moreton.

Only a relatively small proportion of the site, 3,901 square metres (equating to about 3.2% of the overall site area) would be provided as serviced employment land as part of the proposed scheme. No new units would be provided and 41,841 square metres of industrial floorspace will be lost through the demolition of the existing industrial buildings on the site.

The Council's Employment Land and Premises Study has found that there is a serious shortage of immediately available, serviced, developable employment land with utilities and road access already in place and concludes that a large proportion of the existing potential supply is being considered for alternative use, which seriously affect the Borough's ability to maintain a credible future supply.

The applicant has challenged the findings of the Council's Employment Land and Premises Study and suggests there is sufficient supply of land for 56 years based on average annual take up rates over the past five years of 4.69ha. This, however, over-simplifies the issue, as take up rates are prone to fluctuation according to economic circumstances and the requirements of individual businesses. There have been peaks and troughs in the economic cycle over the longer term in which historic take rates have averaged 9.2 hectares per year over the last 25 years. The average take up rate over the last ten years has been 7.9 hectares per year. The latest estimates show a residual supply in the region of 222ha. After making allowances to maintain a 5 year buffer of 46ha in the event of market up turn and 36ha to meet the objectives of the Council's Investment Strategy in line with the Employment Land & Premises Study, there should be sufficient land to accommodate new employment within the Borough over the next plan period, but issues related the size type and location will need to be addressed through the Core Strategy Local Plan public examination later in the year.

The applicant has also submitted details which set out the marketing of the site for employment uses. This states that:

- The site was initially marketed in 2007 in the form of part sale and lease back with the remaining site offered subject to short term leases and vacant possession.
- A similar marketing strategy was carried forward to spring 2009. The applicants have provided a summary of the enquiries received for the site between July 2008 and October 2010
- During the following years the economic down turn restricted market interest in the site as an employment use. The more positive enquiries came from developers and promoters looking for retail-led development on the site.
- In 2011 the applicants reviewed the market demand and planning potential for the site for retail, housing and employment.
- The site has remained available throughout this process with residential developers becoming the main source of enquiries.
- There has been no interest from developers or operators seeking to either refurbish the existing accommodation or provide new employment space on the site.
- The only interest from developers/occupiers seeking to utilise the site for its existing use was extremely limited with only one UK wide requirement from a US based food manufacturer seeking 200,000 sq ft of floorspace. The requirement was brought to Burton's attention from UKTI via

WMBC during 2011. Details were provided to the company but no response was returned. Due to the amount of interest received from developers with the intention of promoting a food retail-led redevelopment of the site during 2010 and into 2011, a mixed use scheme comprising of a Class A1 foodstore, residential and employment was worked up as part of formal pre-application discussions.

- During 2013, with the relaxation of the housing restraint policy on the west side of the Wirral and with an improving housing market, regular approaches from national and regional house builders have been made to GVA as commercial advisors to Burtons.

The applicants marketing justification also states that the site was initially marketed by way of a part sale and leaseback scheme and due to the sensitivity of disposing of the site while still providing employment, a selective marketing campaign was undertaken. This involved the circulation of site particulars to 75 companies.

However, it is considered, as the applicant has rightly pointed out, that that the process to market the site for employment uses, has been undertaken during one of the country's worst recessions. This is evident in the applicant's submission where they confirm that "the strains of the economic down turn has restricted market interest in the site, either through lack of available funding or investors low confidence investing in large strategic employment sites".

The latest market signals are indicating that the country is now coming through the worst of the recession. This is partly evident by the extremely low vacancy rate at the adjacent Tarran Way Industrial Estate (a total number of 47 units with 5 currently vacant). There is also no recent evidence that that the owners of the application site have sought assistance for securing employment use under the Assisted Areas scheme. Therefore it is considered that it is premature to determine that the site would not be of interest to future employment operators. Given this, alongside the limitations set out in the marketing details, the information provided by the applicant does not provide convincing evidence that there is no reasonable prospect of the site being used for employment purposes and that it should be released for other uses.

Because of their location, the employment areas at Moreton are still considered an important part of the Borough's employment land portfolio. The main supply of employment land is located in east Wirral and there is no other major site of comparable size to the application site that is accessible by bus and rail and suitable for new development, to the west of the M53 Motorway. It is adjacent to a cluster of food-related industries, a priority sector, and is within an Assisted Area qualifying for state aid to encourage employment in an area with consistently high unemployment. Eligibility for grant assistance is expected to remain in place up to 2020 as the location has passed through the first round of consultation undertaken by the Department for Business, Innovation & Skills and has been included in the second stage of consultation on the new Assisted Areas Map for 2014 to 2020.

The national Indices of Multiple Deprivation indicate that the areas immediately surrounding the application site are amongst some of the most deprived in England – four of the surrounding Lower Level Super Output Areas fall within the worst 10% and one falls within the worst 20% - scoring poorly in ranks of income and employment deprivation.

The Council's Annual Monitoring Report also shows that the ratio of total jobs to the working-age population in Wirral (job density) remains considerably lower than national, regional and sub-regional averages.

The applicant has contended that:

- During demolition and construction phases 105 FTE jobs are expected to be created.
- A further 106 indirect jobs are anticipated, as a result of the purchase of local goods and services for the construction process and the additional spending from construction staff.
- A local labour agreement would be put in place.
- The development would ,be home to approximately 538 residents, approximately 336 of which are anticipated to be of working age.
- The completed development would create "between 55 and 276 full time equivalent jobs depending on the final type of employment use delivered".
- The residential element of the mixed use development will have a gross earning potential

of c. £6m per annum, a significant proportion of which will be spent in the borough to assist in supporting local businesses and associated employment opportunities.

However, it is considered that potential benefits as claimed by the applicant would not outweigh the loss of the whole site for employment uses.

This site represents one of the very few possibilities to provide new employment development for the communities to the west of the M53 Motorway and its loss could undermine the objective of increasing job opportunities for the surrounding residential areas. This may be exacerbated if the precedent that could be set by this proposal were to be followed by other businesses nearby.

The Council's Employment Land and Premises study undertaken by independent consultants, found that employment opportunities are constrained by the lack of industrial development sites premises in West Wirral and recommended that all of the employment land in this area is retained and that consideration should be given to identifying additional sites. Since the completion of the study, no further sites for employment uses have come forward in West Wirral.

It is therefore considered that the pressing need to promote social inclusion and economic competitiveness and to safeguard the employment land resource in this area of the Borough weighs on balance against the benefits of the housing element of this development. The small amount of serviced employment land offered by the applicant does not outweigh the loss of the remainder of the site to residential use.

### **Affordable housing and housing mix, indicative layout and quality of accommodation**

#### *Affordable Housing*

There is an unmet need for affordable housing in the Borough overall and the development could contribute to meeting some of this general need. However, locally in the Leasowe and Moreton East ward, there is an over supply of affordable housing – which limits the weight to be given to the applicant's affordable housing contribution - although the site does border the Moreton West and Saughall Massie ward where there continues to be an unmet need,

The applicant has indicated that 10% of the new homes would be delivered as affordable homes. The applicant's Economic Viability Assessment has been independently verified, and whilst there would normally be a requirement for 20% of the new home to be affordable in this location, the Council's consultants have advised that 10 % affordable units is the most that can be justified given the present data as provided, checked and corrected.

The applicant has also amended their on cost profit down from 23 % to 20.04 %, however, this is only amended to right at the top end of the range ( 15 - 20 % ) which is within the band range normally deemed to be acceptable and achievable.

In summary, the report states that no more than 10 % affordable units can be achieved on the site unless a reduced profit and reduced value for the land is accepted.

#### *Parameter plans and indicative layout*

Achieving high quality design and creating sustainable and distinctive places are key aspects of the NPPF, UDP policy and emerging Core Strategy policy.

The application is submitted in outline with siting and scale reserved for future deliberation. How design and layout will respond to this setting is a matter for later detailed consideration in the event that outline planning permission is given.

The application is accompanied by a Design and Access statement, parameter plan and an indicative layout to demonstrate how a potential layout can accommodate the proposed amount of development. Following a thorough review of the indicative layout, it is considered that the layout as proposed, does not take the opportunity to enhance the character of local distinctiveness or make a positive contribution to the area as a whole. The proposed layout lacks permeability, as the street

pattern is less legible and long detours are required to visit another neighbour for example.

Furthermore, the layout as whole appears to be highways led solution that prioritises the car in front of pedestrians. The majority of the car parking is off street, creating additional hardstanding within the curtilages of the proposed housing, thereby reducing visual contact between neighbours and a reduction in the amount of greenery to the front of the dwellings.

#### *Amenity space*

There is a significant lack of useable open space or landscaping within the illustrative layout. The suggested landscaped areas are around the perimeter of the site, rather as an integral part of the design process. Those limited areas that are identified within the proposal are separated from the site by the provision of high fences. The applicant has advised that a 2.5m high close boarded acoustic fence is proposed to run along the length of the access road to in order to protect the residential amenities of future occupiers from the noise of industrial traffic. This will physically separate the largest area of the proposed open space from the development and provide a poor outlook for those future residents fronting onto the acoustic fence.

The proposed footpath and green link between the two bed roomed dwellings and the Industrial units is unlikely to provide a safe and usable feature. High fences either side will create a very narrow passageway that is unlikely to meet secure by design accreditation. The layout as shown gives rise to a large number of gables and side garden fences facing out on to the street. This is poor both visually and in terms of a reduction in active frontages.

The mix of house types is not distributed well throughout the overall scheme; for example, all the affordable housing has been located to the east of the site adjacent to the employment uses.

The proposed children's play area is surrounded on all sides by roads, creating both a poor physical environment and highway safety issues for potential users.

Even though the layout is illustrative at this stage, the application does not promote standards such as Lifetime Homes (ensuring that the properties will be suitable, accessible and adaptable for a range of people with specialist housing needs including wheelchair accessibility to meet a local need identified from the Disabled Persons Housing Register).

The indicative layout, for these reasons, is considered unacceptable and unlikely to be supported if it came forward as part of any future reserved matters application.

#### **Impact on the Character of the Area**

In terms of the character of the area, the application site includes a large open area of land between the Manor Bakeries, Typhoo Tea sites to the east and Tarran Industrial Estate to the west, which was previously used as company playing fields. The site is relatively flat and is currently grassed over apart from the existing building and a road that runs from Pasture Road into the factory site.

Whilst there is a small element of inconspicuous housing (well screened bungalows on Pasture Road and a single terraced row at Sunnyside), the residential development proposed in this application would be substantial, and would alter the predominantly industrial character of the area. This in turn could set a precedent that may be followed by other businesses with adverse consequences for the provision of employment uses in the remaining area.

#### *Noise*

The adjoining food factory units operate over 24 hours and continued traffic access will be provided across the site to serve Manor Bakeries and Typhoo Teas Ltd. Housing is a noise sensitive development and can only be permitted under UDP Policy PO4 if it would not be subjected to high levels of noise. The impact from smells can also be a material consideration. The location of houses closer to existing businesses within the industrial area could produce potential for future complaints and act as a constraint on the future operation of these businesses. NPPF paragraph 123 makes it clear that existing enterprises wanting to develop in continuance of their business should not have



unreasonable restrictions put upon them because of a change in nearby land use since they were established.

A letter of objection has been received from CBRE on behalf of Premier Food Group. Their main concern relates to the consequences of residential development within such close proximity of Manor Bakeries could have a direct and detrimental impact upon the operational efficiency of its business.

The nature of the operation at Manor Bakeries may give rise to a level of noise which could draw complaints from future residents of the proposed scheme

The Council's Pollution Control Section has advised that in the event of the application being approved, that in order to form an effective noise barrier to the closest proposed residential properties (the 2 bed mews) that employment units be formed as one long unbroken series of units, north to south. However, new industrial units would not be delivered through the current application. The 10 unit block adjacent to the railway should also be joined to form an 'L' shape. In addition, they comment that:

1. There should be no air handling units situated to the rear of the employment units unless acoustically insulated.
1. The rear of the employment units should be structurally acoustically insulated to prevent noise transmission from within the units to residential properties.
2. In order to assess the effectiveness of this noise barrier proposal the position and sound levels of noise generating plant situated at Manor Bakeries and Burton Foods will need to be known.
3. A scheme of noise insulation should be agreed in writing for habitable rooms with windows facing the railway track and possibly Pasture Road.
4. There are a number of cooling towers on the Burton site that are registered with respect to Legionella risk.

Notwithstanding the above, UDP Policy PO4 – Noise-sensitive development states that in considering proposals for noise sensitive development will only be permitted in locations which are not expected to become subject to unacceptably high levels of noise, or where adequate protection against noise can be achieved by means of planning conditions or planning obligations. In addition, the emerging core strategy Policy CS21, states that proposals for new housing development should not place additional constraints on the on-going, viable, and safe operation of the adjoining land uses, whilst still securing an acceptable level of amenity for future residents.

Premier Foods have indicated that they operate on a 24hr basis five days a week and weekend production is sporadic based upon demand. In reviewing the baseline data against the identified hours of operation CBRE are concerned that no weekend noise surveys were undertaken at any point when ambient noise levels in the area would be reduced.

The applicants have responded that as this is an outline planning application, the specific details on the noise protection scheme to ensure appropriate residential amenity is provided is not contained within the Environmental Statement and would be dealt with at Reserved matters stage taking into account of the noise spectrum of the prevailing noise climate. This however, does not take into account any possible changes in the nature of operations of both existing and proposed industrial processes insofar as operating circumstances may change in future and operating circumstances may not remain the same in any plant. Business could be restricted to existing practices with no provision for expansion or upgrade to meet changing business opportunities.

It is significant fact that the existing industrial uses are not currently restricted by conditions related to plant equipment, ventilation, odour, and extraction systems, noise and odour management, together with control of outside working, on site generators, refrigerated lorries, external lighting which are clearly appropriate for an industrial process adjacent to a residential use.

The masterplan indicates that HGV deliveries and servicing will be undertaken via a proposed access Road running along the northern part of the site. To militate against any noise, the applicants have proposed the provision of a 2.5m high acoustic fence between the proposed residential development and the new access road in addition to service yard areas.

The conclusions of the noise assessment identifies the requirement for acoustic attenuation fencing to be erected along the full extent of the proposed new access road and between the proposed new employment uses and residential areas. The fence is expected to be 2.5m high close boarded fencing. The indicative layout as submitted shows a number of dwellings to both the north and east of the site would be located between 10m and 20m of the proposed acoustic measure. It is considered that this would result in an unacceptable living environment for future occupants, who could have limited garden areas or could have a poor outlook from their properties.

The submitted scheme would result in housing being built adjacent to a thriving, relatively unrestricted general industrial estate and does not constitute sound land use planning.

In addition, as indicated above the NPPF states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established. Whilst the finalised scheme is yet to be determined, it would be reasonable in this particular case to conclude that the construction of new dwellings immediately adjacent to the existing businesses could operate as an unreasonable restriction of future expansion and operations. This is directly contrary to the policies of the NPPF which seeks to build a strong, responsive and competitive economy and making it easier for jobs to be created. The high risk of complaints about an existing business or the potential for complaints about a new business moving to premises immediately adjacent to any proposed housing would be contrary to these objectives.

### **Loss of Playing Fields**

At the time of the adoption of the Unitary Development Plan, the playing fields at Burtons were included in land with outline planning permission for B1, B2 and B8 development in 1998 (OUT/1998/5016), which was granted subject to a condition that outline permission granted in parallel, was implemented at Ditton Lane to provide a replacement for the company sports facilities at Reeds Land and Pasture Road (OUT/1998/5202). The land at Ditton Lane is allocated for this purpose in the UDP (Proposal RE6/7). The permissions have not, however, been implemented.

The agent acknowledges that the playing field, which is prominently located on the frontage with Pasture Road, has been used for sport and recreation including football, cricket and archery in association with the factory complex, but indicates the football and cricket pitches have been unused for approximately 6 years. The applicant also indicates that a separate bowling green on the north edge of the site closed in 2010. However, Council records show Moreton Royal British Legion Bowling team were given notice to quit in 2011 and now have to play 2.6 miles away at Coronation Park in Greasby.

Greenspace features within sites are protected from inappropriate development by UDP Policy URN1 and recreational facilities of Borough wide importance are safeguarded under UDP Policy REC1. NPPF paragraph 74 indicates that open space, including playing fields should not be built on unless an assessment shows it is clearly surplus to requirements; or the loss would be replaced by equivalent or better provision in a suitable location. Draft Core Strategy Policy CS31 (which has been subject to objection) would re-iterate these requirements and would require that the site was marketed for recreational uses at realistic prices to ensure that it was genuinely surplus.

Sport England has objected to this planning application after noting that aerial photographs from 2009 identify a cricket pitch within the site and have indicated that the application should be referred to the Secretary of State in accordance with the Town & Country Planning (Consultation) Direction 2009 if the Planning Committee was minded to approve the application. Possible solutions that may lead to withdrawing the objection would include submission of an assessment clearly showing there is no need retain the playing field; or provision for a like for like replacement.

Although the applicant contends that the playing fields were no longer in use in 2009, no assessment has been submitted and there is no proposal to make any alternative provision.

Information from the Council's latest Open Space Assessment indicates that the provision of facilities for outdoor sport within the Mid Wirral settlements is close to the Borough average and that most football teams were able to find a suitable facility within or adjacent to the area. This analysis did not include the playing fields at the application site (which were not registered for use by any of the local

leagues) but did include the bowling green, which was then still in active use.

The Council's latest Sports Pitch Assessment, from 2004, suggests a need for up to 1 hectare of playing fields for every thousand people but this would need to be verified by an updated assessment of local demand.

The nearest public playing fields are at Lingham Park (5.8ha). There are also public pitches at Leasowe Recreation Centre (1.4ha), Leasowe Road (4.0ha, which has no on-site parking or changing facilities) and Upton Park (3.4ha).

The Assessment Report identified one senior football pitch and one cricket pitch on the application site in the lists of sites unused in 2002/03 or lost over recent years, with compensatory provision to be given at Ditton Lane (site ref 194).

Although a shortfall was recorded in the quantity and quality of existing provision within Leasowe, exacerbated by demand from outside the area, the existing number of senior and junior pitches was considered to be adequate to meet locally derived demand. The analysis for Mid Wirral, which includes Moreton, did not however show an overall shortfall in provision and concluded that the existing number of pitches should be more than adequate to meet locally derived demand, subject to local quality improvements.

The recommendation was, however, that the Council should not permit the loss of any existing playing field in Leasowe or Mid Wirral until the necessary improvements to meet the Strategy had been secured.

The Council's current letting information for 2013/14 shows that Lingham Park and Upton Park are both fully let at peak times, with no spare capacity for additional adult play other than on Saturday but that there is spare capacity for junior teams at Lingham Park (7 teams), Upton Park (1 team), Leasowe Recreation Centre (4 teams) and Leasowe Road (4 teams).

School pitches are also available at Castleway Primary (1.3ha), which is fully let and at Wallasey School in Leasowe, which is not currently used.

The nearest cricket facility is at Upton Cricket Club, 2.27 miles to the south, which is used to capacity but there is no evidence of demand for an additional more local facility.

The Council's latest Sports Pitch Assessment, which Sport England now consider to be out of date, indicated that every 663 adults within the Leasowe area was likely to generate an additional senior football team and that an additional junior team was likely to be generated for every 54 young people. The Wirral-wide average was an additional team for every 320 adults or for every 64 young people.

As a development of up to 234 dwellings, as shown on the submitted indicative masterplan, is likely to lead to a population of up to 585 additional people, there may be the need to identify capacity to accommodate one or two additional junior football teams, which should be able to be provided within the existing stock of pitches within the area. Any additional adult team could currently only be accommodated on Saturday or at Wallasey School.

There are only two other bowling greens within the area: at Lingham Park and at Saughall Grange in Moreton, both of which are fully used. The inability of the existing local team to find a suitable replacement site within the locality would appear to indicate the continued need for an additional local facility. There is no provision in the current proposal to accommodate this.

### **Environmental Impact**

Proposals can only be permitted if there is no adverse affect on the integrity of designated sites for nature conservation under the terms of UDP Policy NC01.

Land immediately to the north of the site has been identified in the WeBS count sector as supporting habitat for the North Wirral Foreshore Site of International Importance for Nature Conservation Area, which is a Special Protection Area and RAMSAR site. Assessment under The Conservation of Habitats & Species Regulations 2010 (as amended) shows that

The Leasowe Common Site of Biological Importance, which contains a number of rare species, is also located with 500 metres of the site and land off Ditton Lane is known to contain a number of Priority Habitats. Development affecting these habitats and species can only be permitted under UDP Policies NC5 and NC7 if the Local Planning Authority is satisfied that protection can be secured through planning conditions and/or by legal agreement.

After considering the Environment Statement submitted by the applicant, the Merseyside Environmental Advisory Service (MEAS) has advised that the proposed development may have an indirect effect on the nature conservation value of the area due to increased pressure from the proposed dwellings and that existing vegetation and buildings with the application site may provide nesting opportunities for protected birds. If the application was to be approved, any impact could, however, be addressed through planning conditions and a S106 agreement to secure mitigation measures, which include off site management of nature conservation, a long term environmental management plan for the site, the creation of foraging habitat, boxes for bats and house sparrow and gaps in boundary fencing to allow for wildlife movement.

### **EIA Scoping and Environmental Impact Assessment**

An Environmental Statement (ES) as required by the Town and Country Planning (Environmental Impact Assessment England and Wales) accompanies the planning application. The proposal is categorised as an "urban development project" within Schedule 2 of the regulations.

The ES follows a structure closely aligned to the requirements of the EIA Regulations and is considered acceptable. The applicant has used a parameter-based approach to set out the maximum scale of the development for the purposes of impact prediction. This approach is considered appropriate and it has been concluded that the proposal is not likely to have a significant environmental effect subject to the undertaking of a HRA prior to determination (see below) and to conditions relating ground contamination investigation, waste management and construction.

### **Habitats Regulations Assessment (HRA).**

The site is located 700m from Mersey Narrows and North Wirral Foreshore SPA/ Ramsar sites and the proposal requires Habitats Regulations Assessment.

The impacts arising from different phases of development have been considered and that coverage of cumulative impacts and alternatives has also been included.

Merseyside Environmental Advisory Service have prepared a Habitat Regulations report on behalf of the Local Authority to assess the likely significant effects of the proposed development in accordance with the Habitat Regulations and the EU Habitats Directive.

The conclusions are, that after carrying out the HRA, taking into account the mitigation measures included within the planning submission and provided that the conditions set out below are applied, that the development is:

- Not directly connected with or necessary to the management of the sites
- Does not intrude into the Natura 2000 sites listed below
- Is not considered, either alone or in-combination with any other plans or projects, to have a likely significant effect on each of the following sites:

Mersey Narrows and North Wirral Foreshore SPA  
Mersey Narrows and North Wirral Foreshore Ramsar  
Dee Estuary SAC  
Dee Estuary SPA  
Dee Estuary Ramsar Site  
Mersey Estuary SPA  
Ribble and Alt Estuaries SPA and  
Ribble and Alt Estuaries Ramsar

As required by the HRA, the following matters need to be secured by appropriately worded planning conditions or other appropriate planning mechanisms:

- Submission of a Construction Environmental Management Plan, to include details of noise reduction measures;
- Noise limits during the wintering bird period (September – March inclusive) to be no greater than continuous noise limit of 65dB and an intermittent noise limit of 50dB LAeq; and
- Provision of funding by the applicant for Ditton Lane Nature Park and Leasowe Fields for the provision of pathways and other means of diverting public use away from sensitive areas.

#### **On-site Biodiversity enhancements**

Survey and assessment of the site identifies the existing ponds, woodland, semi-improved grassland and scrub as habitats of value on this site. There will be some loss of grassland as a result of the development; however, existing ponds, woodland and scrub will be retained. The development also proposes creation of a green space along the northern boundary. The Ecological section of the ES proposes a number of management prescriptions for these features, these should be incorporated into a comprehensive Long-term Environmental Management Plan for this site which can be secured through an appropriate planning mechanism e.g. Section 106 agreement. The management plan should also include measures to enhance existing habitat features on site as this is in line with NPPF and the NERC Duty 2006.

To provide habitat enhancements for Priority Species in line with the requirements of NPPF and NERC, it is recommended, in the event that planning permission is granted, that at least 30 bat boxes should be incorporated into the residential development. Furthermore, to allow the movement of hedgehogs in and out of gardens, it is recommended that the provision of sufficient gaps below the boundary fences.

#### **Contaminated Land**

The site is in a sensitive location in terms of controlled waters receptors and drift geology deposits in the northeast half of the site (Tidal River/Creek Deposits (Secondary A Aquifer)) with differing drift deposits potentially present in the south-western half of the site (Till comprising sandy gravelly cobbly clay (Unproductive)), if confirmed to be present.

The solid geology comprises Sidmouth Mudstone Formation: (Secondary B Aquifer). The site is situated on several historic ponds and drains which were present until 1966 and may have been culverted. A number of man-made weirs are present in the northwest side of the site flowing north into the River Birket. The River Birket, part of the Arrowse Brook and The Fender bound the northern portion of the site. Historic oil and oil gas pollution incidents have affected the adjacent River Birket.

The historical maps and current site use indicate that different areas of the site have been subjected to several potentially contaminative former land uses. The previous site uses include a food manufacturing factory with above ground fuel storage tanks, electricity sub-stations and potentially infilled ponds. In addition, off-site potentially historic and current contaminative land uses are also located adjacent to the site including a historic landfill which was formerly a historic brick and tile works. A present-day landfill is located to the west of site. A railway station and railway embankment is adjacent to southern site boundary. Three oil and one gas oil historic pollution incidents affecting the adjacent River Birket have occurred at the site.

Further works will need to be carried out to assess the risk to controlled waters receptors (The River Birket and weirs flowing into the River Birket) and to bring forward an appropriate remedial strategy for the site.

The Councils Environmental Health officer has raised no objections to the proposal subject to conditions requiring site investigation and risk assessment and if necessary the submission of a scheme of remediation.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no highway implications relating to this proposal. The Director of Technical Services Traffic and Management Division has raised no objections to the proposed scheme on traffic and highway safety grounds to those matters being sought for approval. However in respect of the indicative layout, this is not acceptable in terms of compliance with Manual for Streets2.

#### **SECTION 106 AGREEMENT**

The following proposals have been suggested by the applicant as the basis for a Section 106 legal agreement, were the application to be approved

- *Local open space*; to agree the provision of local on-site open space and on going maintenance of the agreed space thereafter.
- *Affordable housing provision*; to agree the amount of affordable housing to be provided on site in respect of both its housing type and tenure or to agree any off-site commuted sum payment required in respect of affordable housing provision.
- *Local Employment Initiative (Construction Phase)*; the aim for the Local Employment Initiative will be to maximise the benefits of the scheme to the local labour market during the construction phase of development. The applicant (or successor in title) shall use reasonable endeavours seek to enter into a Local Employment Partnership (LEP) involving Wirral MBC, Job Centre Plus and other relevant local employment agencies.
- *Ecological Mitigation Measures*; to agree a figure for the implementation of footpath improvements and public access controls within the Ditton Lane Nature Reserve Area (plan attached) in order to offset the potential for increased human activity on WeBS sites close to the application site.
- *Administrative provisions*; the applicant shall pay to the Council on or before the completion of the Agreement the reasonable legal costs incurred by the Borough Council in connection with the preparation and completion of the Agreement.

## **CONCLUSION**

The development would result in the loss of allocated employment land in an area where such a loss would be of significant harm given the need for employment land to maximise job opportunities in a part of the borough with particularly challenging socio-economic conditions.

Whilst the applicant has sought to demonstrate that there is no interest in the site for employment development, the evidence submitted is insufficiently robust to support the site's loss to housing.

Whilst all matters apart from access to the site are held in reserve, this application, if approved, would enable substantial numbers of up to 234 dwelling to be built within the Primarily Industrial Area. The submitted indicative masterplan suggests that this could result in a sub-standard scheme without satisfactory usable open space. The design of the layout presented, whilst illustrative, does not make the best of the site's context and is far from achieving a high quality distinctive place.

As a development of up to 234 dwellings, as shown on the submitted indicative masterplan, is likely to lead to a population of up to 585 additional people, there may be the need to identify an additional junior football pitch in the area.

The proposals will lead to the loss of a bowling green which was previously used by Moreton Royal British Legion bowling club. The Wallasey Crown Green Bowling Association now lists Moreton RBL Bowling Club as playing at Coronation Park in Greasby. This appears to suggest that there could be a continuing local need in the Moreton area.

It can be acknowledged that the site is in an accessible location and that benefits can be accrued from the development in terms of affordable housing, increased spending within local centres and potential employment in construction and maintenance and through provision of land for some limited future industrial development.

The applicant has also contended that jobs can be created through the development and an ensuing demand for services. However, it is considered that any economic benefits that may be accrued from the proposed development would not outweigh the loss of the whole site for employment uses.

There are sufficient sites elsewhere in the urban area with a lower probability of flooding where this number of residential units could be achieved. As such there is no urgent need to release this site to

accommodate the housing proposed by this application.

On balance it is considered that the need to support economic growth and improve social conditions by retaining this site for employment purposes and the environmental imperative to meeting the challenge of climate change in steering housing to areas where there is a lower risk of flooding outweighs any advantages that might be accrued from the proposed development.

**Recommended      Refuse**  
**Decision:**

**Recommended Conditions and Reasons:**

1. The proposal would conflict with the provisions of Policy EM8 in the Wirral Unitary Development Plan which makes provision for employment uses in Use Class B1, B2 or B8 and reconstruction, extension or expansion of existing businesses, and is also contrary to the National Planning Policy Framework and Policy CS17 'Protection of Employment Land' in the Core Strategy for Wirral – Proposed Submission Draft because the submitted evidence does not demonstrate that there is no reasonable prospect of the site being used for these purposes.
2. The proposal would be detrimental to the purpose and character of the area and could perpetuate the establishment of noise sensitive development to detriment neighbouring businesses. This could set an undesirable precedent that could undermine sustainable economic growth and employment opportunity if replicated elsewhere within the Primarily Industrial Area. This is contrary to the intentions of Policy EM8: Development within Primarily Industrial Areas and Policy PO4: Noise Sensitive Development in the Wirral Unitary Development Plan and the National Planning Policy Framework.
3. The site is located within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map and it has not been adequately demonstrated that the development could not be accommodated on reasonably available sites in an area with a lower probability of flooding. This is contrary to the National Planning Policy Framework paragraph 101, National Planning Policy Guidance, paragraphs 18 and 19 and Policy CS34 'Flood Risk & Coast Protection' in the Core Strategy for Wirral – Proposed Submission Draft.

**Further Notes for Committee:**

**Last Comments By:** 19/03/2014 10:46:20  
**Expiry Date:** 16/05/2014

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# Agenda Item 7

## Planning Committee

07 May 2014

**Reference:**  
**APP/14/00219**

**Area Team:**  
**North Team**

**Case Officer:**  
**Mrs S Williams**

**Ward:**  
**Leasowe and  
Moreton East**

**Location:** 20 TENBY DRIVE, MORETON, CH46 0QA  
**Proposal:** Demolition of existing garage and erection of detached double garage  
**Applicant:** Mr Duncan  
**Agent :** PWE Design

### Site Plan:



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### Development Plan allocation and policies:

Primarily Residential Area

**Planning History:**

No planning history

**Summary Of Representations and Consultations Received:****REPRESENTATIONS**

7 letters of notification were sent to occupiers at neighbouring properties and in addition a site notice was displayed. As a result 5 objections were received from the occupiers at 17 Napier Drive, 19 Napier Drive, 74 Grampian Way, 78 Grampian Way and 80 Grampian Way. The following concerns were raised:

1. Running a car repair business
2. The use of the garage resulting in pollution, fumes and noise
3. Health issues
4. Sound and smell more like an industrial estate
5. Out of character
6. Overbearing affect

In addition to the above objections, Councillor Ian Lewis has requested the application to be taken out of delegation and heard at Planning Committee , giving the following reasons: The proposals are out of character with the area, create an adverse overbearing affect & has the potential to cause annoyance and nuisance to neighbours

**CONSULTATION:**

No statutory consultations required for this application

**Director's Comments:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Lewis has requested the application to be taken out of delegation and to be heard at Planning Committee on the grounds that the garage is out of character for the neighbourhood and the scale and density of the structure and nearby properties will have an adverse overbearing affect on what should be a quiet, residential area.

**INTRODUCTION**

The proposal seeks planning permission for the demolition of existing garage and erection of a detached garage. Amended plans were requested as it appeared that the existing plan were inaccurate, in that the site currently contains two garages. The agent amended the existing plan and confirmed one of the garages on the site belonged to 19 Napier Drive.

**PRINCIPLE OF DEVELOPMENT**

In principle the proposal is considered acceptable subject to relevant policies.

**SITE AND SURROUNDINGS**

20 Tenby Drive is a semi-detached property which is located within a primarily residential area of similar styled bungalows and two-storey dwellinghouses. The site to the rear is bordered by a 2 metre high wooden fence, the rear elevation of the property contains a conservatory.

There is an existing detached garage at the site which fronts the highway Grampian Way. This garage adjoins the garage at 19 Napier Drive. This neighbouring property contains a rear conservatory.

**POLICY CONTEXT**

The application property is located within land designated as Primarily Residential Area in Wirral's Unitary Development Plan, and the property falls under the use class C3 as it is a dwelling house. National Policy - NPPF - Requiring Good Design, Policy HS11 – House Extensions and SPG11 – House Extensions are directly relevant in this instance.

NPPF - Requiring Good Design - The Government attaches great importance to the design of the built environment. It is considered that good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people.

#### **APPEARANCE AND AMENITY ISSUES**

The width of the proposed garage would increase by approximately 2.9 metres and the depth by approximately 1.95 metres. The height of the garage up to the eaves would measure 2.2 metres. A pitched roof would be located above which would contain an overall height of 4 metres. There is currently a 1.8 metre high wooden fence which forms a boundary to the north and east.

The detached garage would be located adjacent to the end of the rear garden of 19 Napier Drive approximately 11 metres away from the rear elevation of the house. It would also be located 18 metres from 74 Grampian Way. As the proposed garage is a double garage the overall scale of the proposal would be larger than the existing garage. This is not uncharacteristic of a residential area and due to the separation distances achieved it is deemed that the development would not have an adverse impact to the amenities of neighbouring properties in terms of loss of light.

Concerns have been raised relating to what the garage may be used for in the future (car repair business). The application has been submitted as a domestic garage and this is what it must be assessed as being, therefore these concerns do not warrant a refusal. All other concerns raised relate to the possible use of the building causing noise, annoyance and pollution to local residents and therefore do not warrant a refusal.

It is considered that the proposal would not cause any harm to the character and appearance of the area. The proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposed development complies with relevant Council policies and is therefore considered acceptable.

#### **SEPARATION DISTANCES**

Separation distances are discussed in further detail above.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no highway implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no environmental/sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal complies with NPPF- Requiring Good Design, HS11 - House Extensions and SPG11 and is therefore considered acceptable.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal complies with NPPF- Requiring Good Design, HS11 - House Extensions and SPG11 and is therefore considered acceptable.

**Recommended          Approve**  
**Decision:**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 26th March 2014 and listed as follows: drawing number DUN576-0214 (dated 7th February 2014).

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

**Last Comments By:** 26/03/2014 16:19:36

**Expiry Date:** 14/04/2014

# Agenda Item 8

## Planning Committee

07 May 2014

**Reference:**  
**APP/14/00277**

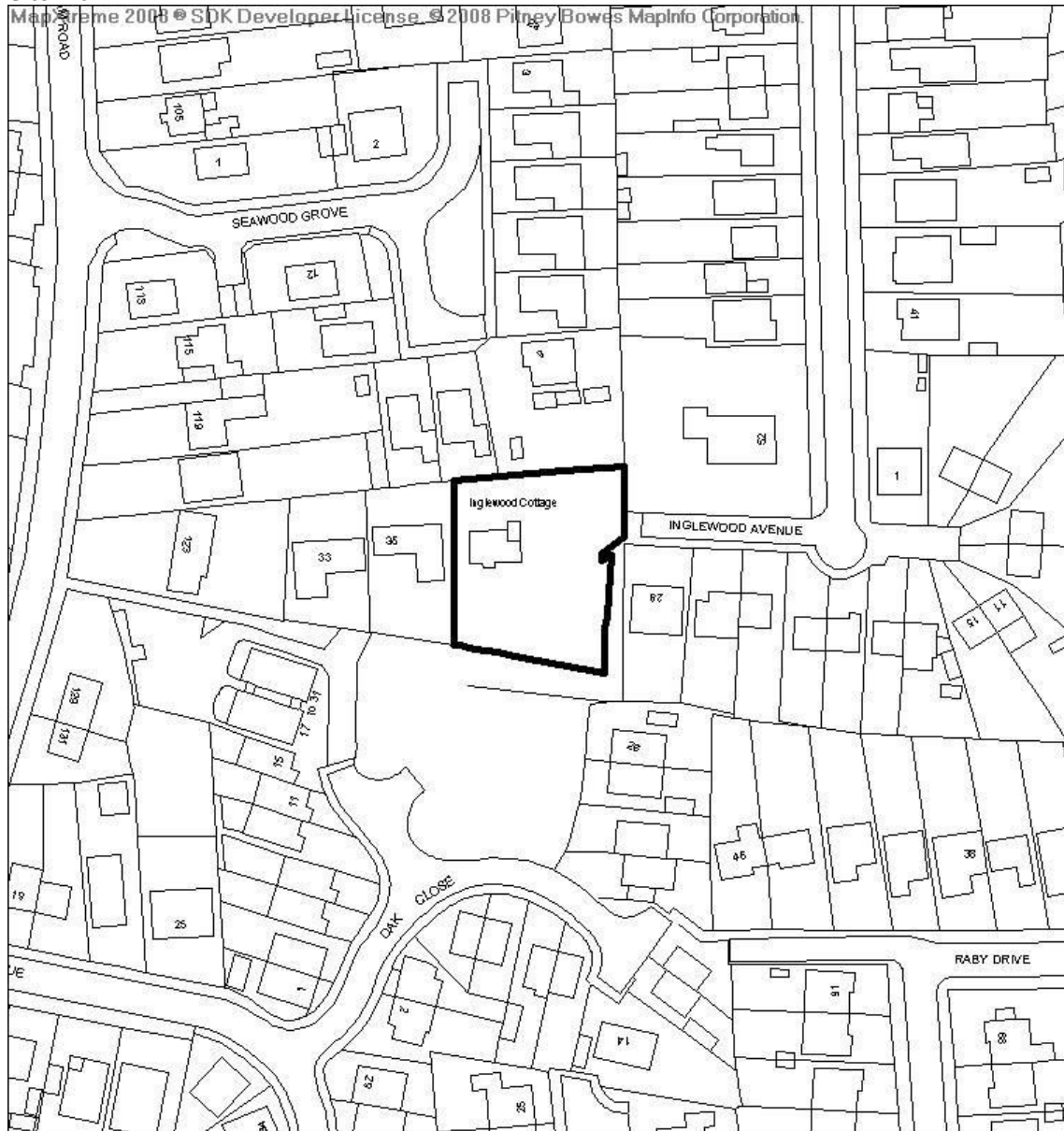
**Area Team:**  
**North Team**

**Case Officer:**  
**Mrs S Williams**

**Ward:**  
**Moreton West and  
Saughall Massie**

**Location:** Inglewood Cottage, INGLEWOOD, MORETON, CH46 0SD  
**Proposal:** Convert bungalow to a house with first floor  
**Applicant:** Mr Neil Ward  
**Agent :** Oakdale Property Consultants Ltd.

### Site Plan:



**Development Plan allocation and policies:**

Primarily Residential Area  
Urban Greenspace

**Planning History:**

Location: Inglewood Cottage, Inglewood, Moreton. L46 0SB  
Application Type: Full Planning Permission  
Proposal: Demolition of existing cottage and erection of a detached bungalow.  
Application No: APP/93/06735  
Decision Date: 07/01/1994  
Decision Type: Approve

Location: Inglewood Cottage, Inglewood, Moreton, L46 0SB  
Application Type: Full Planning Permission  
Proposal: Demolition of existing garage and erection of a garage/workshop.  
Application No: APP/98/05485  
Decision Date: 22/05/1998  
Decision Type: Approve

**Summary Of Representations and Consultations Received:**

6 letters of notification were sent out to occupiers at neighbouring properties and in addition a site notice was displayed. As a result two objections were received from the occupiers at 9 Seawood Grove and 10 Seawood Grove. Objections can be summarised as:

1. Loss of light
2. Proposal will tower over 9 Seawood Grove
3. Protected trees (TPO's) are within falling distance
4. Lights being switched on and off and opening from first-floor rear windows
5. Subject to noise from bedroom, bathroom and landing
6. Previous planning permission indicated that the building could not be built any higher than what it already was
7. Setting a precedent
8. Submitted location plan appears to show Inglewood Cottage further away than what it is on site
9. Garage is not shown on submitted location plan
10. Dominate the sky line
11. Detrimental to way of life (not wanting to use conservatory/dining room)
12. Have to use blinds on bedroom window day and night
13. Do not want to live as prisoners in own home

In addition to the above objections, Councillor Blakeley has requested the application to be taken out of delegation on the grounds that the adjoining occupier has expressed concern about potential overlooking as well as the mass and volume of this application.

**CONSULTATION:**

Head of Regeneration & Planning (Tree Conservation) - No Objections

**Director's Comments:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Blakeley has requested the application to be taken out of delegation and to be heard at planning committee following on from objections raised from the occupier at 9 Seawood Grove.

**INTRODUCTION**

The proposal seeks planning permission for the erection of a first-floor extension. Amended plans were requested to reduce the size of the first-floor west facing windows as it was considered the scale of the original windows would introduce an element of direct overlooking. Amended plans were received on 14th April 2014. The original windows have now been replaced with two high level windows (raised 1.7 metre above floor level) on the west elevation.

## **PRINCIPLE OF DEVELOPMENT**

In principle the proposal is considered acceptable subject to relevant policies.

## **SITE AND SURROUNDINGS**

Inglewood Cottage is a detached building which is located within an area of mixed design residential properties. The property itself is surrounded by two-storey dwellinghouses and other detached bungalows. There is a large open grassed area sited to the south of the dwelling and a detached garage to the east. The property is not prominent within the street scene due to its setting and location.

## **POLICY CONTEXT**

The application property is located within land designated as Primarily Residential Area in Wirral's Unitary Development Plan, and the property falls under the use class C3 as it is a dwelling house. National Policy - NPPF - Requiring Good Design, Unitary Development Plan Policy HS11 – House Extensions and SPG11 – House Extensions are directly relevant in this instance. Both require extensions to dwellings to not have an adverse impact on neighbouring properties or the appearance of the host building.

NPPF - Requiring Good Design - The Government attaches great importance to the design of the built environment. It is considered that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

## **APPEARANCE AND AMENITY ISSUES**

The proposed first floor extension would be located above the existing building and therefore the footprint of the dwelling would remain the same. The windows located within the principle elevation of the property all vertically correspond and appear to match the style and proportions of the property itself. It is considered that the overall design of the proposal is acceptable. There are two secondary windows located within the east gable of the neighbouring property 35 Oak Close which appear to serve non-habitable rooms. Despite no objection being received from this neighbouring property amended plans were requested. The standard window design within the first-floor west facing gable of the proposal have now been replaced with high level windows (raised 1.7 metres above floor level). This was in order to prevent direct overlooking. Additionally, the rear wall of this neighbouring property protrudes further to the rear of Inglewood Cottage. In this instance it is deemed that the proposed first floor extension would not have an adverse impact on the amenities of this neighbouring property.

Our records show that there would be a 9.9 metre separation distance achieved from the rear wall of Inglewood Cottage to the rear boundary of the site. In cases such as these, the recommended distance is usually 10 metres. The property directly to the rear, 9 Seawood Grove is a detached bungalow. There is a ground floor clear glazed window in the rear elevation which appears to serve a habitable room. This neighbouring property also contains a rear conservatory, which does not form part of the original dwellinghouse and therefore separation distances are not relevant. The separation distance achieved from the rear elevation of Inglewood to the original rear elevation of 9 Seawood Grove (where the clear glazed window is located) is approximately 16.5 metres. House extension policies recommends that where two habitable rooms to a principle elevation face one another such that direct overlooking is likely to occur, the windows should be a minimum of 21 metres apart. Additionally, where a sole window faces a blank wall a minimum distance of 14 metres should be achieved. The rear window of 9 Seawood Grove would look directly between Inglewood Cottage and 35 Oak Close. The rear windows within the proposal would serve a bedroom, landing, bathroom and study and would all be constructed from obscure glazing to prevent direct overlooking to the occupiers at the rear. In this instance, due to the acceptable separation distances achieved and the installation of obscure glazing it is deemed that objections raised relating to loss of light and privacy do not warrant a refusal. Additionally, it is deemed that the first-floor extension would not create anymore noise than what the existing bungalow creates.

Concerns have also been raised relating to the location plans submitted not showing the detached garage and appearing to show Inglewood Cottage further away than it actually is on site. It should be noted that the location plan that has been submitted along with the planning application does correspond with the Council's records and therefore is accurate. Additionally, the detached garage does not bear any influence on the decision of this planning application and therefore due to the fact it has not been shown on the location plan this is not a relevant concern.

The property, Inglewood Cottage is surrounded by both bungalows and two-storey dwellinghouses and therefore the proposal is considered to be within keeping with the character and appearance of the area itself. Due to the setting of the area, it is not deemed that the proposed first-floor extension would set a precedent.

To address concerns relating to the previous planning permission indicated that the building could not be built any higher than it already was, both history files have been reviewed. The first planning application was submitted in 1993, planning application number APP/93/6735 - Demolition of existing cottage and erection of a bungalow. This application was granted permission on 7th January 1994. There were no details within this file to suggest that a first-floor extension could not be erected at a later stage. A further application was submitted in 1998, planning application number - APP/98/5485 - Demolition of existing garage and erection of a garage/workshop. Amended plans were requested to slightly reduce the scale of the garage. This proposal was granted planning permission on 22nd May 1998 and again, there was no suggestion that a first-floor extension could not be erected on the bungalow. Nevertheless, planning policy has changed since these previous permissions were granted. The Wirral Unitary Development Plan was adopted in February 2000 and later, the Supplementary Planning Guidance Note 11 for House Extensions in July 2004. These policies consider that extensions should be designed in such a way as to have no significant adverse effect on the appearance of the original property, the amenities of neighbouring properties, in particular through overlooking, or an adverse effect on the area in general. SPG11: House Extensions acts as a supporting document in relation to HS11. Overall, it is considered that the proposed extension complies with house extension policies and is therefore considered acceptable.

It is considered that the proposal would not cause any harm to the character and appearance of the area. The proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposed development complies with relevant Council policies and is therefore considered acceptable.

#### **SEPARATION DISTANCES**

Separation distances are discussed in further detail above.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no highway implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no environmental/sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal complies with NPPF- Requiring Good Design, HS11 - House Extensions and SPG11 and is therefore considered acceptable.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal complies with NPPF- Requiring Good Design, HS11 - House Extensions and SPG11 and is therefore considered acceptable.



**Recommended**      **Approve**  
**Decision:**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14th April 2014.

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

3. Before the development hereby permitted is brought into use all first-floor windows in the rear elevation of the first-floor extension facing north shall be obscurely glazed with frosted glass and shall be retained as such thereafter.

**Reason:** In the interests of neighbouring amenity.

**Last Comments By:** 11/04/2014 11:25:27  
**Expiry Date:** 25/04/2014

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# Agenda Item 9

## Planning Committee

07 May 2014

**Reference:**  
**APP/14/00348**

**Area Team:**  
**North Team**

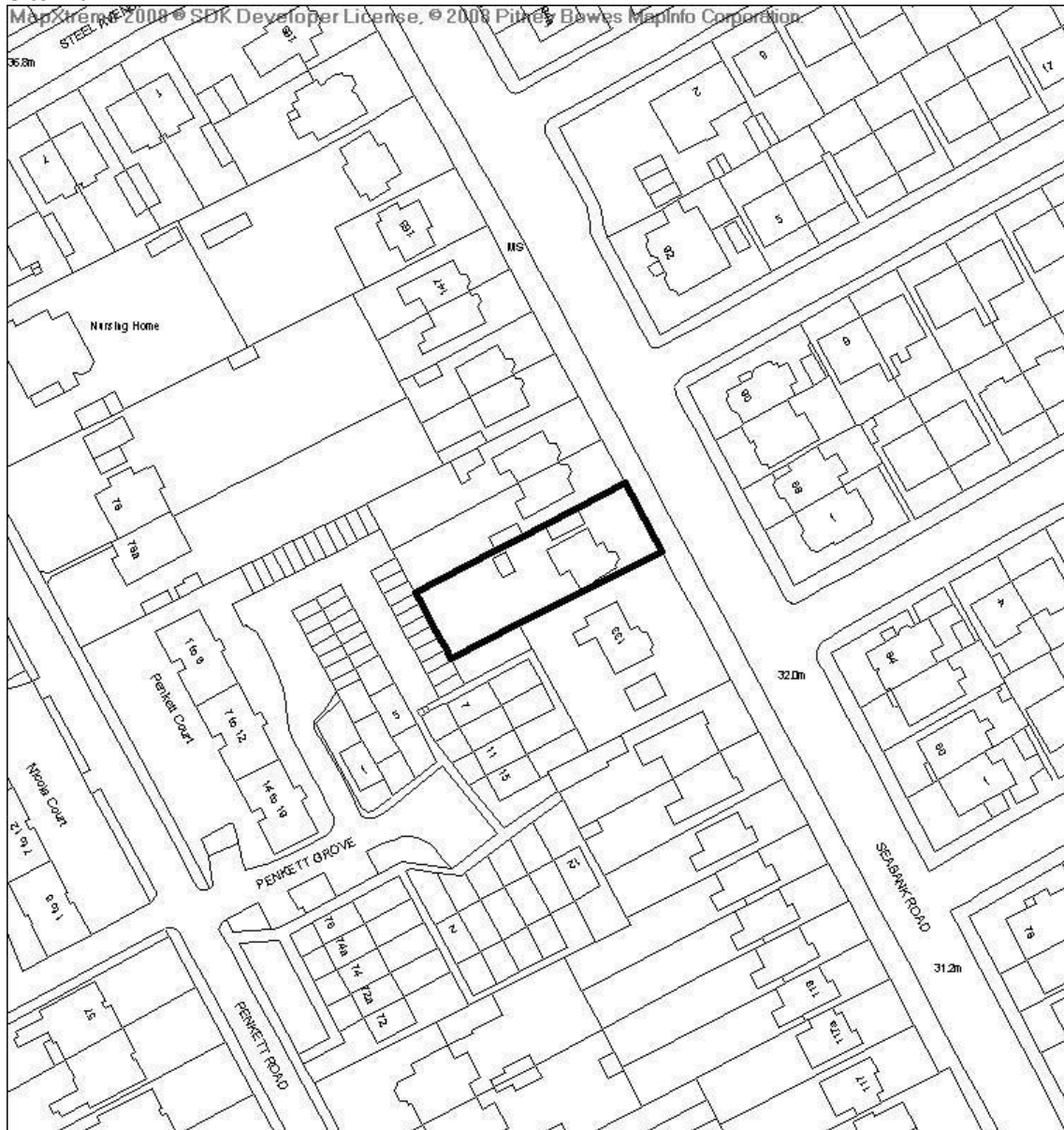
**Case Officer:**  
**Mrs J Malpas**

**Ward:**  
**New Brighton**

**Location:** 135 SEABANK ROAD, EGREMONT, CH45 7QL  
**Proposal:** Proposed rear single storey extension. New pedestrian and vehicle access gates to the front boundary.

**Applicant:** Mr Clifford Kendrick  
**Agent :** Mr G Fazakerley

### Site Plan:



Development Plan allocation and policies:

Primarily Residential Area

**Planning History:**

Location: 135 SEABANK ROAD, EGREMONT, CH45 7QL  
Application Type: Full Planning Permission  
Proposal: Proposed re-build of the original front boundary wall, with materials to match existing, at an increased height of 2.4m.  
Increase the width of the existing dropped kerb for ease of access for off road parking.  
Application No: APP/13/01069  
Decision Date: 13/11/2013  
Decision Type: Approve

Location: 135 Seabank Road Egremont Wirral CH45 7QL  
Application Type: Full Planning Permission  
Proposal: Erection of a front, side and rear single storey extensions  
Application No: APP/11/00163  
Decision Date: 03/05/2011  
Decision Type: Approve

**Summary Of Representations and Consultations Received:**

**REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Applications, Site Notice was displayed and 10 neighbour letters were sent out. At the time of writing the report one letter of objection has been received from the Owners/Occupiers of 137 Seabank Road expressing concerns about visibility splays in connection with solid timber gates.

**CONSULTATIONS**

Head of Technical Services (Traffic/Highway Maintenance) - No objection

**Director's Comments**

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Glassman has requested this application be removed from delegation and considered by the Planning Committee for the reasons that the application is for retrospective permission and elements of the application have been subject to a planning enforcement investigation.

**INTRODUCTION**

Number 135 Seabank Road has been subject to retrospective permissions and elements of enforcement investigation. In summary:

1. APP/11/00163 application for side and rear extensions was approved.
2. A non-material amendment application was submitted 25 July 2013 (NOAPP/13/306), but required further information.
3. APP/13/01069 (September) for the re-build of the original front boundary wall at an increased height of 2.4 metres and the increased width of the dropped kerb was approved.
4. Enforcement case was lodged January 2014 with concerns of (i) the side and rear extension (breach of planning control) and (ii) the side boundary wall (no breach of planning control). The site investigation concluded that:
  - (i) Proposals were not built in accordance with the APP/11/00163 in that the shape of the roof above the garage was different and the rear extension did not have the step in.
  - (ii) Although the side boundary wall has a slightly different appearance to the approved plans (APP/13/001069), the wall does not exceed the height that has been approved and is lower than approved between each of the steps in the wall.

This application is to rectify the issues identified by the enforcement case (i) and also a new proposal

of a timber pedestrian and vehicle access gates to the front boundary.

### **PRINCIPLE OF DEVELOPMENT**

The site lies within an area designated as primarily residential where development is acceptable subject to policy.

### **SITE AND SURROUNDINGS**

The plot consists of a detached two-storey modern house located to the north west side of Seabank Road, opposite Denton Drive and Hertford Drive. Seabank Road is a main, wide classified road and on the north west side the pavements are a generous size. The majority of properties provide off street parking, however on street parking is also available.

The boundary treatment in Seabank Road varies, as does the age of buildings and their characters. The immediate properties either side of the site in question are distinctively different: No. 133 a modern detached (1950s) property with 2.4 metres brick wall with stone copings and No.137 a semi-detached (1940s) property with a 1.1 metre brick wall.

### **POLICY CONTEXT**

The application property is located within land designated as Primarily Residential Area in Wirral's Unitary Development Plan, and the property falls under the use class C3 as it is a dwelling house. National Policy NPPF - Requiring Good Design, HS11 – House Extensions and SPG11 – House Extensions are directly relevant in this instance.

NPPF - Requiring Good Design - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. With regards to HS11, it is considered that extensions should be designed in such a way as to have no significant adverse effect on the appearance of the original property, the amenities of neighbouring properties, in particular through overlooking or an adverse effect on the area in general. SPG11: House Extensions acts as a supporting document in relation to HS11.

### **APPEARANCE AND AMENITY ISSUES**

135 Seabank Road a modern detached house with a front gable and hipped roof with attached side garage. The property extends the full width the plot. Originally the garage had a flat, the change in roof design (DRG No. CLIFF/010/A & CLIFF/004/A) to the front over the garage works better than what was originally approved. The roof slope now links up with the existing roof gradient to the front, which simplifies the roof form, meeting the criteria set out in the UDP Policy HS11(iii), visually this work well. The development has a minimal impact to the character of the area due to the various styles of buildings and ages within the immediate area.

The shape of the roof to the rest of the garage comprises a lean to, which wraps round the rear of the property to connect with the rear extension. The in-fill section of the single storey extension to the rear (DRG CLIFF/006/A) has been built flush with the existing elevations. The materials and design complement those of the existing house. The roof shape is a lean to, matching the roof shape either side. The overall scale of the rear extension with the in-fill is appropriate to the size of the plot as there is still sufficient amenity space provided (some 20 metres of garden), meeting the criteria set out in the UDP Policy HS11 (i), (ii) and (iii).

With the street having a mixed style of houses there is no prominent material for gates. Some are timber, some metal railings, some do not have gates. Immediately either side to the site: No. 133 has metal gates & No. 137 has no gates. The original gates to this property were timber gates. The proposed vehicle and pedestrian gates will be also be solid timber, positioned lower than the boundary wall and open inwards. The objectors concerns are regarding visibility and line of sight for pedestrians due to the proposed solid timber gate; however, the highway safety team have not raised this as an objection.

### **SEPARATION DISTANCES**

The extensions are single storey. Separation distances do not apply in this instance, as no residential properties will be affected by the development.

## **HIGHWAY/TRAFFIC IMPLICATIONS**

The Head of Environment and Regulation (Traffic and Transportation Divisions) has not objected to the proposal, provided that the access gates do not open out on to the street.

## **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to this development.

## **HEALTH ISSUES**

There are no health implications relating to this application.

## **CONCLUSION**

The retrospective development is not considered to have a harmful visual impact on the general street scene or have an adverse impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design, complies with Policy HS11-House Extensions of the adopted Wirral Unitary Development Plan and SPG11-House Extensions.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is not considered to have a harmful visual impact on the street scene or the character of the building. It is deemed not to adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design and complies with Policy HS11-House Extensions of the adopted Unitary Development Plan and SPG11-House Extensions.

**Recommended Decision:**                      **Approve**

### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 24 March 2014 and listed as follows: CLIFF/001/A REV A (21.02.14) , CLIFF/002/A REV A (21.02.14), CLIFF/003/A REV A (21.02.14), CLIFF/004/A REV A (21.02.14), CLIFF/005/A REV A (21.02.14) , CLIFF/006/A REV A (21.02.14) , CLIFF/007/A REV A (21.02.14) , CLIFF/008/A REV A (21.02.14), CLIFF/008/A REV A (21.04.14), CLIFF/005/D REV A (09.03.14) and CLIFF/010/A REV A (10.04.14).

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

3. The new vehicle and pedestrian gates DRG CLIFF/004/A REV A (21.02.14) on the front boundary facing Seabank Road shall only open inwards onto the site and this function shall remain thereafter.

**Reason:** In the interest of public highway safety.

**Last Comments By:** 22/04/2014 13:41:27  
**Expiry Date:** 19/05/2014





## Planning Committee

7 May 2014

**Reference:**  
**APP/13/01234**

**Area Team:**  
**South Team**

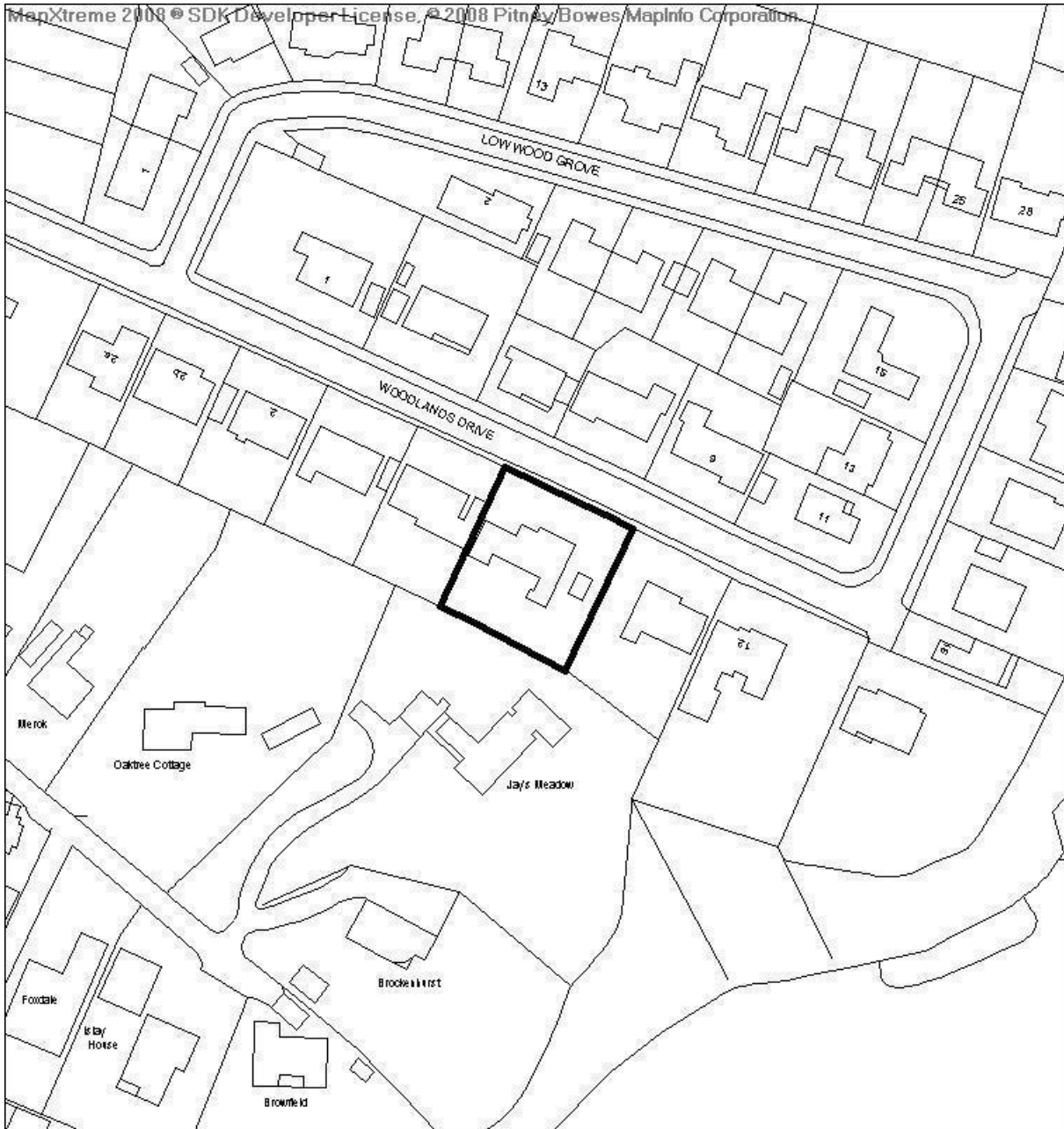
**Case Officer:**  
**Mrs C Parker**

**Ward:**  
**Pensby and  
Thingwall**

**Location:** Coppins Hey, 8 WOODLANDS DRIVE, BARNSTON, CH61 1AL  
**Proposal:** Demolition of existing dwelling and erection of 2 new dwellings  
**(amended plans).**

**Applicant:** Mr S Penrose  
**Agent :** SDA

### Site Plan:



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**Development Plan allocation and policies:**

Green Belt  
Infill Village in the Green Belt

**Planning History:**

Location: Coppins Hey ,Woodlands Drive ,Barnston L61 1AL  
Application Type: Full Planning Permission  
Proposal: Erection of garage and extension to dining room and new external w.c.  
Application No: APP/78/09306  
Decision Date: 18/05/1978  
Decision Type: Conditional Approval

**Summary Of Representations and Consultations Received:****REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Planning Applications, 9 notifications have been sent to adjoining properties and a site notice has been displayed near the site. 17 representations have been submitted comprising letters and online comments objecting to the proposal and are summarised as follows:

1. The scale does not relate well to surrounding properties;
2. The gable features would result in a detrimental change to the area;
3. The development is 'garden grabbing';
4. The two-storey scale of the houses are out of keeping;
5. Increase in residents in the road;
6. Height and proximity close to the boundary which will affect light and privacy;
7. Unacceptable density is not in keeping with the area;
8. Over dominant appearance due to the front gables;
9. Increase in on street car parking;
10. 'Squeezing' two properties would be out of proportion compared to adjacent properties;
11. Loss of hedges to the front will impact on visual amenity;
12. Extra traffic would affect highway safety;
13. Existing oak tree on the pavement should not be lost;
14. Impact on semi-rural location; and
15. Concern over the capacity of the drainage system

Further letters were sent to the neighbouring properties following receipt of the amended plans and at the time of writing the report two letters of objection have been received that are summarised as follows:

1. Parking problems; and
2. Large properties that will occupy a large footprint
3. Loss of view
4. Scale and height

**CONSULTATIONS**

Head of Environment and Regulation (Pollution Control Division) - No objections

Head of Environment and Regulation (Traffic and Transportation Division) - No objections

**Director's Comments:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council. Objections have been received and as such, having regard to the Council's Scheme of Delegation for Determining Planning Applications, the application needs to be considered and determined by the Planning Committee.

## **INTRODUCTION**

The proposal is for the demolition of the existing dwelling and erection of two new dwellings on the site of 8 Woodlands drive, Barnston.

## **PRINCIPLE OF DEVELOPMENT**

The proposal is acceptable subject to meeting the criteria in Policies HS4 and GB6.

## **SITE AND SURROUNDINGS**

The site currently comprises a detached bungalow with a single storey side garage. The properties in the immediate area vary comprising dormer style bungalows and modern two-storey houses. Most properties are detached set in substantial plots, which vary in size along Woodlands Drive around to Low Wood Grove. As such, there is no set house type, design or scale that is predominant to the character the area. The layout of the existing bungalow within the site allows for space to the side with 10 Woodlands Drive, which is utilised as garden area. There is one point of vehicular access into the site and the front boundary consists of sporadic shrubbery above a low fence. Compared to neighbouring properties, the existing bungalow is in a poor state of repair and has been unsympathetically extended.

## **POLICY CONTEXT**

The proposal is assessed against Policy HS4 where it states that proposals should be of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development and not resulting in a detrimental change in the character of the area. The site is defined as an infill village in the Green Belt, where Policy GB6 states that new development will be permitted on infill sites (defined as development filling a small gap within the defined built envelope of the village) and where there is no adverse impact on the character of the village or on the open character of the green belt.

The National Planning Policy Framework (NPPF) also supports redevelopment of previously developed land which has no greater impact on the openness of the Green Belt and the purpose of including land within it that the existing development. Sustainable housing development is should encompass good design and widen the choice of high quality homes. Development should also make a positive contribution to an area and use opportunities to improve the character and quality of an area and LPA's are expected to resist inappropriate development of residential gardens where development would cause harm to the local area.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

## **APPEARANCE AND AMENITY ISSUES**

The originally submitted plans showed the site subdivided into one larger plot with a large scale house and a smaller plot with a smaller house. Both new dwellings had front gable features proposed that would project forward of the main building line and this along with the bulk and scale was considered inappropriate to the plot and detrimental to the street scene. The application has since been amended to remove the front gable features and subdivides the site into two equal plot sizes. The spacing has improved around the proposed dwellings and the scale and design is more in keeping with the character of the street scene. The revised plots are adequate in size to accommodate the two dwellings, which are comparable to other plots within the immediate area.

Objections received relating to the scale, design and appearance of the dwellings being out of keeping with the character of the area have been addressed by the amended plans. The over dominant appearance due to the gable features has been improved by their removal and the resultant dwellings now resemble dormer style bungalows. The agent has submitted a contextual plan showing the two dwellings in relation to the adjacent dwellings. This shows the overall height of the proposed dwellings as 1.2m higher than the properties either side. Notwithstanding this, there is sufficient space between

the proposed dwellings so they do not appear over dominant. The relationship of two-storey houses adjacent to bungalows are features within Woodland Drive and Low Wood Grove. In addition, the existing variation in height of existing dwellings, some with front dormer windows in the roofspace, form part of the character of the area. It is considered that the increase in height is within acceptable parameters to prevent any harm to the occupiers of the adjacent properties in terms of overshadowing or over dominance.

The layout of the properties includes a projection at the rear adjacent to the properties either side, 6 and 10 Woodlands Drive. 6 Woodlands Drive has a garage located close to the side boundary and the proposed house will project approximately 4 metres beyond this. There are no habitable windows on the side or rear elevation of number 6 that would be overshadowed. 10 Woodlands Drive has been extended at the side and there are no habitable room windows on the side elevation.

Whilst it is accepted that the plot will be subdivided, it is considered that the plot sizes and revised design helps to reduce the impact to result in any detriment to the streetscene and subsequently the character of the area.

Any loss of shrubbery at the front of the property will be mitigated by imposing a condition for the submission of a suitable landscaping scheme. The appearance of the front of the site is relatively poor and the redevelopment of the site including the provision of landscaping offers an opportunity to improve the appearance and quality of the site in general.

Objections have been raised over drainage issues and this is not a planning consideration. Further objections include road safety issues, adequate access is provided and there are no highways safety objections raised by Traffic Management. As regards 'garden grabbing' the NPPF states that proposal should be resisted where development would cause harm. In this case, the plot sizes, scale and design of the dwellings are considered acceptable and does not detract from the character of the area to a degree that would warrant refusal.

#### **SEPARATION DISTANCES**

Habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. There are no properties at the rear of the site that will be affected by the proposal. There are first floor windows within the roof space at the front which will be 22 metres away from the properties opposite. This is considered an acceptable separation distance that reflects the existing relationship within the street scene.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The proposal for the redevelopment of the site for two dwellings will make a positive contribution to the area that is in keeping with the pattern of existing development and general character of the area. There will be no loss of amenity to the occupiers of adjacent properties and the proposal is therefore in accordance with Policies HS4 and GB6 of the Wirral Unitary Development Plan and the National Planning Policy Framework.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal for the redevelopment of the site for two dwellings will make a positive contribution to the area that is in keeping with the pattern of existing development and general character of the area. There will be no loss of amenity to the occupiers of adjacent properties and the proposal is therefore in accordance with Policies HS4 and GB6 of the Wirral Unitary Development Plan and the National Planning Policy Framework.

**Recommended Decision:**                      **Approve**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on the 18th March 2014 and listed as follows: Drawing number 94\_2013\_01 Revision G dated 20/02/2014

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

**Reason:** In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

**Reason:** To safeguard the amenities of the occupiers of adjoining property and the area generally and to accord with Policy HS4 of the Wirral Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

**Reason:** To safeguard the amenities of the adjoining occupiers & appearance of the area and to accord with Policy HS4 of the Wirral Unitary Development Plan.

6. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**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.

7. NO DEVELOPMENT SHALL TAKE PLACE UNTIL full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy GR5 of the UDP.

8. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy GR5 of the UDP.

9. No part of the development shall be brought into use until visibility splays of 2.4 metres by 2.4 metres have been provided at the proposed access points to the site. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** In the interests of highway safety and to accord with Policy HS4 of the Wirral Unitary Development Plan.

10. NO OCCUPATION OF USE OF THE DEVELOPMENT SHALL TAKE PLACE UNTIL a scheme showing full details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and retained as such at all time thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a proper standard of separation from, and standard of amenity with respect to neighbouring property and having regard Policy HS4 of the Wirral Unitary Development Plan

11. 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 policies WM8 and WM9 of the Waste Local Plan.

12. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

**Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or an amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation and/or replacement of street furniture as necessary. Please contact the Council's Highway Maintenance Team on 0151 606 2004 prior to the commencement of development for further information.

**Last Comments By:** 08/04/2014 14:09:06  
**Expiry Date:** 19/11/2013

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