



## Planning Sub-Committee

<b>Date:</b>	<b>Thursday, 7 November 2019</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 – Wallasey Town Hall</b>

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

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## AGENDA

**1. MINUTES (Pages 1 - 4)**

The Director of Governance and Assurance submitted the minutes from the meeting of the Planning Sub Committee held on 1 October 2019 for approval.

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

Members of the Planning Sub Committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and, if so, to state the nature of the interest.

**3. EMERGING WIRRAL LOCAL PLAN - WORKING DRAFT POLICIES: SUSTAINABLE DEVELOPMENT, TRANSPORT AND HERITAGE (Pages 5 - 46)**

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## PLANNING SUB-COMMITTEE

Tuesday, 1 October 2019

Present: Councillor S Kelly (Chair)

Councillors G Davies G Watt  
A Gardner S Foulkes  
S Hayes S Frost  
I Lewis S Whittingham

In attendance: Councillors

Apologies Councillors

### 6 MINUTES

The Director of Governance and Assurance submitted the minutes held on the 12 September 2019 for approval.

**Resolved – That the minutes of the meeting held on 12 of September 2019 be approved subject to the inclusion of Councillor Anita Leech in the attendance list reflecting her role as an ex-officio member and the Cabinet Member for the Local Plan.**

### 7 MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and, if so, to state the nature of the interest.

***Councillor S Foulkes declared a personal interest in agenda item 4 – Appendix 1 Working Draft Housing Policies (minute 8) by virtue of being a Board Director of Magenta Living.***

### 8 PLANNING SUB COMMITTEE REPORT 1-10-19

***Councillor S Foulkes declared a prejudicial interest in this matter by virtue of being a Board Director of Magenta Living and left the room during its consideration (minute 6 refers).***

The Interim Corporate Director for Economic and Housing Growth reported upon the initial working draft policies that would include criteria for assessing planning applications for residential development including new housing development, self-contained flats, houses in multiple occupation, extensions, affordable accessible housing as outlined within the appendix to the report.

Members and Chair clarified the role of the Planning Sub-Committee and how it related to the Local Plan. The Legal Advisor to the Sub-Committee defined the timeline of decision making regarding the policies for the Local Plan and the nature of the consultation period.

The Principal Planning Officer added that the work of the Sub Committee is part of the Local Plan formulation process in which the working draft policies under consideration are liable to change when legal procedures, including sustainability appraisal, emerging evidence and public consultation and the tests of soundness are applied.

**Resolved – That the working draft policies for residential development be noted and given further consideration by officers.**

## 9 HMO POLICY

***The Interim Director for Economic and Housing Growth submitted a definition and revised draft Policy for Houses in Multiple Occupation as requested at the previous meeting.***

The draft included the recommended standards from guidance produced by the Housing Team.

The Principal Planning Officer indicated that the published guidance also includes minimum standards set by the Housing Act, which are also cited as being reasonable. Under national policy, the size, type and tenure of housing needed for different groups should be informed by local needs assessment when planning for the future supply of homes (NPPF para 60-61 refers). Previous Strategic Housing Market Assessments are silent about HMOs and it is not yet clear if this will be addressed through the pending assessment. Research showed that other Councils set bedroom sizes through supplementary guidance, rather than policy. If members were minded to recommend that the standards are included in an Interim Policy and the Local Plan, legal advice should be sought from Counsel on the content before making recommendations to Cabinet.

Colleagues from the Housing Team informed that the recommended room sizes were generated using the Metric Handbook.

Members discussed the implications with the housing and planning officers and concluded that preferred standards and the need for a wash basin in each room should be minimum requirements in the emerging policy in order to gain full weight in the decision making process.

It was confirmed that student accommodation would be covered by the HMO policy.

Thought was given to the effect on existing properties becoming HMOs under permitted development rights and if this be controlled under Article 4 powers. The importance of aligning the policy and guidance used by the Licensing and Planning departments is to be given further consideration by officers.

**Resolved – that the planning and housing officers should continue work to finalise the policy and guidance, that counsel’s advice be sought and the results be circulated.**

### **Emerging Policies for other Housing Development**

Members discussed the draft Policies in respect of; Housing Requirement, Criteria for Residential Development, Affordable Housing Requirements, Accessible Housing requirements, Backland Development, House Extensions, Self-contained Flats, Non-Residential Uses in Primarily Residential Areas, Policy CS22G – Child Minders Working from Home, Criteria for Specialist Housing and Gypsies and Travellers.

Further to questions from Members in respect of the future requirement for affordable housing, the Principle Planning Officer advised that the latest viability assessment was scheduled to be reported to Cabinet in November 2019 and showed a map of where zones could be set to secure funding and provision based on current market evidence.

Members were informed that the Government had set optional standards which could be used, if justified in local policy for internal space in new dwelling, accessible homes including wheelchair housing and to ensure all development would be adaptable.

The number dwellings in the backland policy was highlighted for further consideration, alongside the type of vehicular access that would be needed with specifications for protecting residential amenity.

Issues in respect of parking standards were taken into account through a separate policy covering all type of development. For housing this would be linked to the number of bedrooms per dwelling.

Discussion took place regarding non-residential activities taking place in residential areas, more specifically delivery vehicles causing potential noise disturbance. Members considered the impact on neighbours of child minders working from home.

The Principle Planning Officer reported that the criteria for specialist housing would cover accommodation for people in need of care including nursing homes,

sheltered, supported or extra care housing for people who may be unable to live independently in ordinary housing.

The Chair made reference to an emerging policy in respect of Gypsies and Travellers and that this would be revisited.

**Resolved – That the working draft policy for Houses in Multiple Occupation be noted and given further consideration by officers.**

## WIRRAL COUNCIL

### PLANNING SUB COMMITTEE

7 NOVEMBER 2019

<b>TITLE</b>	<b>EMERGING WIRRAL LOCAL PLAN – WORKING DRAFT POLICIES:  SUSTAINABLE DEVELOPMENT, TRANSPORT &amp; HERITAGE</b>
<b>REPORT OF</b>	<b>INTERIM COPORATE DIRECTOR FOR ECONOMIC AND HOUSING GROWTH</b>

#### 1.0 REPORT SUMMARY

- 1.1 The Council is in the process of preparing policies for the emerging Local Plan, which is scheduled for submission to the Secretary of State in November 2020.
- 1.2 The Planning Sub Committee was established by Planning Committee on 18<sup>th</sup> July 2019 to make recommendations, in consultation with the relevant Overview and Scrutiny Committee, to the Cabinet on the policies that will be included in the Local Plan for the Borough.
- 1.3 A series of meetings have been scheduled to consider working draft policies for the emerging Local Plan.
- 1.4 The purpose of this meeting is for Members to consider the contents of the initial working draft policies that would include criteria for achieving sustainable development by design, set out transport requirements and provide protection for the Borough's heritage assets, which are enclosed in Appendix 1.

#### RECOMMENDATION

1. That Planning Sub Committee considers the content of the initial working draft policies for residential development set out in Appendix 1, and decide if there are matters that should be given further consideration by officers before reports for Cabinet are finalised.

## **SUPPORTING INFORMATION**

### **2.0 REASON/S FOR RECOMMENDATION/S**

2.1 To assist in the preparation of the Local Plan.

### **4.0 BACKGROUND INFORMATION**

4.1 The Council is currently preparing its Local Plan for submission to the Secretary of State in November 2020. A key aspect of this work is the review and development of Development Management (DM) policies, which upon the adoption, will be used to determine planning applications.

4.2 There are a number of tasks, which include:

- 1 Reviewing existing DM policies.
- 2 Revising these policies to ensure that they are up to date and take account of current and emerging agendas, for example, climate change.
- 3 Writing new policies, in relation to such matters as Houses in Multiple Occupation and car parking standards, to ensure that the Council is able to effectively manage development in the Borough.
- 4 Regularly review policies to ensure they remain relevant, up to date and represent best practice.

4.3 These tasks are urgent and need to be completed within the timescales set out for the submission of the Local Plan as the council is still under threat of intervention by Government if it does not meet the timescales.

### **5.0 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications from this report.

### **6.0 LEGAL IMPLICATIONS**

6.1 Local plans must be positively prepared, justified, effective and based on up to date relevant evidence about the economic, social, environmental characteristics and prospects for the area consistent with national policy in accordance with the Planning and Compulsory Purchase Act 2004 (as amended). The emerging Local Plan cannot be formally adopted as part of the statutory Development Plan unless it is found to be legally compliant and sound following independent examination.

6.2 Approval of the final Draft Local Plan will require a resolution of Council before it can be published and submitted to the Secretary of State for public examination.

### **7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

7.1 This sub-committee will be supported by the Council's existing planning staff.



## 8.0 RELEVANT RISKS

- 8.1 If the work set out in this report is delayed, the Council may not be able to meet its timetable for submission of the Local Plan, which could result in Government intervention.

**REPORT AUTHOR:** ***Eddie Fleming***  
*Principal Planning Officer, Forward Planning*  
telephone: (0151-691-8129)  
email: [eddiefleming@wirral.gov.uk](mailto:eddiefleming@wirral.gov.uk)

## APPENDICES

1. **Initial Working Draft Policies: Sustainable Development, Transport Requirements & Heritage Assets.**

## BACKGROUND DOCUMENTS

None

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
<b>Planning Committee</b>	<b>18<sup>th</sup> July 2019</b>
<b>Planning Sub Committee</b>	<b>12<sup>th</sup> September 2019</b>
<b>Planning Sub Committee</b>	<b>1<sup>st</sup> October 2019</b>

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# **WORKING DRAFT SUSTAINABLE DESIGN, TRANSPORT & HERITAGE POLICIES**

## **STRATEGIC SUSTAINABLE DEVELOPMENT**

It is a legal requirement that the Local Plan supports the achievement of sustainable development.

The overarching objectives for achieving sustainable development through the planning system are set out in the National Planning Policy Framework, which should be read as a whole.

This section of the Local Plan sets out how sustainable development can be achieved locally through future decisions to be taken under the Planning Acts.

### **Policy CS1A - Promoting Sustainable Development**

New development including buildings, extensions, conversions and changes of use will be permitted where it can be demonstrated that the proposals will, where relevant:

1. support the delivery of the Spatial Vision, Strategic Objectives and Broad Spatial Strategy (Policy CS2);
2. address the priorities for individual Settlement Areas contained within Policies CS4 to CS11;
3. comply with the relevant policies for land uses set out in Policies CS12 to CS29;
4. meet the requirements for sustainable development by design, set out within Policy CS1B;
5. protect enhance and provide net gains for biodiversity and geodiversity and contribute towards the provision of appropriate green infrastructure and the protection of land needed for recreation subject to Policies CS30 to CS33;
6. minimise flood risk from all sources and manage drainage subject to Policy CS34;
7. take full account of the need to reduce the risk of major accidents and minimise pollution subject to Policy CS36;
8. provide for the proper consideration of potential contamination and instability, subject to Policy CS37;
9. make appropriate provision for minerals including supporting infrastructure subject to Policy CS38 and for on-site waste management and recycling subject to Policy CS39 and the Joint Waste Local Plan for Merseyside & Halton;
10. secure appropriate provision for transport and accessibility in accordance with Policy CS40;
11. not have an unacceptable impact on the operation of Liverpool John Lennon Airport, Hawarden Aerodrome and the Wallasey Beacon, or the safe and uninterrupted operation of utilities, electricity transmission networks, pipelines, important electrical equipment or instrumentation or their safeguarding zones;
12. have no significant adverse impact on health and wellbeing;
13. comply with the legal requirements associated with the protection of European Sites and their supporting habitat, together with provision for relevant on-site or off-site mitigation, suitable compensation and net gain;
14. be adequately served by essential local infrastructure in accordance with Policy CS43 and Policy CS44,

15. comply with the policies of an adopted neighbourhood development plan.

Further advice and guidance on measures that can be taken to secure compliance with Policy CS1A will be set out in relevant Supplementary Planning Documents.

Policy CS1A brings together all the main requirements of the Local Plan for determining planning applications and making other decisions under the Town and Country Planning Acts within the Borough and should be read alongside other adopted Statutory Development Plan and Neighbourhood Development Plans.

Policy CS1A is intended to ensure that development management decisions contribute to securing net gains jointly and simultaneously across the economic, social and environmental objectives for achieving sustainable development by supporting continual improvement in the local economy and providing for a safe, healthy and attractive local environment with improved biodiversity in line with the aims of the latest Wirral Council Plan and the Spatial Vision, and Strategic Objectives, Broad Spatial Strategy and local priorities of this Local Plan.

Policy CS1A guides the development management process, to support the delivery of all the other policies within the Local Plan for achieving the delivery of sustainable development at local level. Further information on the type of information required to be submitted as part of a planning application is included in the [Council's Local Validation Checklist](#).

## Policy CS1B – Achieving Sustainable Places by Design

All new development will be required to demonstrate that a sustainable design solution and method of construction, including the need for flood resilience and mitigation for climate change, has been planned and evolved to ensure the function and appearance of the proposal will enhance the character, quality and the distinctiveness of the area in a way that relates well to surrounding property and land uses including the natural and historic environment and provides a high standard of amenity for existing and future occupiers having regard to published advice in Supplementary Planning Documents, from the Lead Local Flood Authority and assessment frameworks such as [Building for Life and BREEAM](#) technical standards or any superseding guidance. Development will be permitted that will, where relevant:

1. help create safe diverse accessible places with visually attractive design solutions without dead frontages that are compatible with the surrounding area and the landscape/townscape setting in both the immediate street scene and distant views;
2. address the need for appropriate green infrastructure and provide for the protection of existing healthy trees and hedgerows of visual and wildlife value without resulting in pressure for future removal to obtain reasonable sunlight, open amenity spaces and to avoid danger to life and property;
3. preserve and enhance the character, integrity and setting of existing buildings of local character, heritage, geodiversity and biodiversity assets;
4. take full account of formally approved master plans, character appraisals or area-specific action or management plans;
5. protect and provide high quality unifying features of design such as gates, piers, landscaping, walls, boundary fences taking account of the nature, quality and type of materials;
6. prevent over-development and ensure that the density, height, scale, massing, siting and visual impact of any buildings or structures and the provision of landscaping and private amenity open space will be appropriate to the character, grain and layout of the surrounding area;
7. preserve important views into and out of the area;
8. provide visually attractive buildings with appropriate architectural detailing, materials, external colour scheme and elevational treatment with the main entrances aligned to create active frontages in the public realm;
9. provide a high standard of internal and external amenity that creates comfortable places to live, work and visit taking account of , privacy, light and outlook for existing and future occupiers to prevent overlooking and overshadowing with an appropriate separation between habitable rooms and blank elevations;
10. minimise and prevent the opportunity for noise and other disturbance to occupiers and neighbouring uses;
11. provide high quality landscaping including boundary treatment between public and private areas in line with Policy CS1C, whilst taking advantage to create natural surveillance and prevent the opportunity for crime and anti-social behaviour in a way that enhances community cohesion and the quality of the area;
12. enable people of different ages and abilities to move around internally and externally without difficulty over the lifetime of the development including a choice of safe, direct and attractive routes with priority given to walking, cycling and public transport within the design to reduce the need to travel by private car;

13. orientate development to maximise passive solar gain, natural ventilation and facilitate the micro-generation of renewable energy with adaptability to enable more efficient upgrades over the lifetime of the development, where the energy generated can be used at source, to contribute to moving to a low carbon economy;
14. incorporates sustainable drainage and water management systems and adaptability to address climate change in line with Policy CS34;
15. ensure that extensions to existing property will match or complement the design and materials of the existing buildings and to prevent the impression of terracing between separate buildings in places where this would be detrimental to the character of the area; and
16. provide underground service ducts to enable future connections for cable, broadband and electronic communications, electric car charging and district heating networks where available and minimise the need for external apparatus.

Proposals will not be permitted where their visual impact and function would be inappropriate within the character, appearance and landscape setting of the surrounding area.

Temporary buildings or structures, where justified, will only be permitted in unobtrusive locations and for a period not exceeding three years.

Applications for radio and telecommunications masts or base stations must demonstrate that the proposed apparatus cannot be located on an existing building or that an existing mast or other existing structure cannot be used or shared; that the proposal is for the minimum amount of equipment needed for the efficient operation of the network; and the development is designed, camouflaged and located to minimise its visual impact on the surrounding area based on the best environmental and design solution.

Telecommunications operators must also demonstrate that the apparatus proposed will not cause irremediable interference with other electrical equipment, air traffic services or instrumentation of national interest and that cumulative exposure to telecommunications development would not exceed the International Commission on Non-Ionising Radiation Protection Guidelines.

The Council has duty to have regard to the desirability of achieving good design when exercising any function in relation to the local plan with the objective of achieving sustainable development under section 39 of the Planning and Compulsory Purchase Act 2004.

National policy makes it clear that design is a key aspect of sustainable development. Local planning policies and decisions are required to ensure that developments will function well and add to the quality of the area over its lifetime with a high standard of amenity for existing and future users. Building for Life and BREEAM is also identified as an appropriate framework for assessing and improving the design of both residential and commercial development and guidance will be provided on how to meet local design standards through Supplementary Planning Documents. Therefore applicants should ensure regard is given to this framework or any superseding guidance as early as possible in the evolution of their proposals and provide evidence to support their conclusions.

The quality of design for buildings and spaces will be a fundamental factor in achieving sustainable physical, economic, social and environmental development within the Borough. It should be used to help create healthy, safe and accessible places that protect or enhance local distinctiveness and improve the environment and the conditions in which people carry out their daily lives whilst contributing to achieving a low carbon future having regard to all the related elements of built and un-built space including the natural and historic environment.

When assessing how good design will be achieved applicants will be expected to have demonstrated how the scheme has evolved from an understanding of the context in which it will be placed, how it will respond favourably to a good environment or how a poor environment would be improved, and how it will promote or reinforce local distinctiveness.

Wirral has a wealth of heritage, landscape and biodiversity assets many of which are already subject to separate statutory or non-statutory designations. Proposals likely to affect these assets will be required to take full account of any formal citations of the reasons for their designation, including any associated character appraisals, condition statements or management plans. Any assessment to support proposed development should be consistent with national best practice, such as that set out in 'Understanding Place: Historic Area Assessments' and 'The Setting of Historic Assets' (Historic England, or any superseding guidance).

Specific protection for the Borough's Heritage Assets is provided in Policy CS42 through to PolicyCS42zf. [Conservation Area Character Appraisals and Management Plans](#) approved by the Local Planning Authority will be important material considerations for proposals likely to affect the character or setting of the Borough's designated Conservation Areas.

Consultation should take place with the Council's Conservation Officer at the conception stages of any proposal that is likely to have an impact on an identified heritage asset, based on information from the [National Heritage List for England](#)<sup>6</sup>, the Historic Environment Record for Merseyside, a local list of heritage assets and any assets that may be identified as part of the development management process. An assessment of the likely impact of a proposal affecting the historic environment must also be included in any submitted application.

Further guidance on how to comply with Policy CS1B will be included within relevant Supplementary Planning Documents.

## **Policy CS1C – Achieving Sustainable Places by Design - Landscaping, Trees & Hedgerows**

Where landscaping needs to be integrated with the design for new development, planning applications will be required to demonstrate that any screening by fences, walls or other means; the planting of trees; hedges, shrubs or grass; banks, terraces or other earthworks; gardens, courts, squares, water features, sculpture or public art; and the provision of other amenity features have been planned for early in the evolution of the scheme to ensure the proposal will contribute to achieving sustainable development; enhance the setting and quality of the area; and provide a high standard of amenity for existing and future users in line with Policy CS1B and Policy CS30 and CS33 before planning permission is granted.

Plans for landscaping proposals must be considered in the context of the appearance, access, layout and scale of the proposed development and the surrounding area before full planning permission is granted and should include, where relevant, clear information on:

- (i) the design, materials, colour, height and location of any hard surfaced areas, boundary walls; piers, gates, fencing, railings, and other amenity features such as ponds public art and street furniture;
- (ii) the botanical name and size of the species, the location, soil type and pit sizes for all new trees, hedging, shrubs and ground cover to be planted;
- (iii) the location and botanical name of existing species and features to be retained or removed, together with information on the extent of any hedgerow, tree species, trunk girth, canopy spread, height, condition and impact on wildlife value. In cases where significant existing trees are likely to be affected; the results of a survey and arboricultural assessment prepared in accordance with British Standard BS5837:2012 (or any subsequent replacement) will be required;
- (iv) the existing and proposed ground levels with spot heights and cross sections through the site and adjoining land to show the extent of any earth works, terraces and other ground modelling; and
- (v) an implementation and maintenance plan with aftercare specifications that will ensure the successful growth of new planting and provide protection for any existing species and other features that will be retained in accordance with BS4428 for general landscaping and BS8545 for trees (or any subsequent replacements).

Plant selection should be based on the soil type using native species from local nursery stock that conforms to British Standard BS 3936 and landscaped areas be designed to contribute to surface water and air quality management, take opportunities for habitat creation and take account of local climatic influences. Species suitable for growing on green roofs, balconies, walls and court yards will also need to be considered, particularly for sites where there is limited scope for traditional planting.

Buildings, structures and hard surfaces must be located in order to:

- a) retain existing landscape features that make an important contribution to the setting and character of the area
- b) ensure adequate space remains available for the continual growth of tree roots and canopies to maturity during and after construction; and



- c) prevent pressure from future occupiers to top, lop or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space.

In exceptional circumstances where the loss of mature trees and hedgerows are fully justified, provision will be required for replacement plantings in a suitable location with equivalent or more compatible native species.

Layouts that would leave landscaped areas which are not easily supervised or which would prejudice the supervision of other sensitive areas of the site will not be approved.

In line with national policy the Local Planning Authority will require development to be visually attractive as result of good architecture, layout and appropriate and effective landscaping. Trees, woodlands, hedgerows and indigenous plant species will be an essential feature in most landscaping schemes for maintaining and improving the distinct character of all areas in Wirral, and should be used positively when planning to achieve sustainable development to: help improve the visual impact of new development, help create or form part of a network of natural habitats, help to alleviate flood risk, help to improve air quality and promote health and well-being with a high standard of amenity.

Policy CS1c, therefore, requires detailed landscaping proposals to be submitted as part of all applications for full permission. This will enable landscaping to be properly considered and integrated successfully with other design matters relating to the layout, access, scale and appearance of the development, rather than being deferred by a planning condition after permission has been granted. Depending on the circumstances, such as where proposals are likely to have a significant impact on the setting of an area, the Local Planning Authority will use its powers to ensure landscaping is not be considered separately as reserved matter if outline applications are pursued.

Policy CS1c sets out the main considerations that the Local Planning Authority will take into account in assessing the adequacy of landscaping proposals. These will primarily relate to the individual circumstances of the site, the location and the nature of the development proposed, and the protection of any characteristic features already present on the site or within the locality and will need to be and be read in context with Policy CS1B and Policy CS30 and CS33.

The objective is to ensure that issues related to the condition, size, visual significance and the wildlife value of existing landscape features, including any established trees, ponds, stone walls and piers are properly assessed; and ensure provision can be made to protect and maintain existing and new plantings and prevent damage to existing trees from building operations, storage and trenches for foundations, cables and other utilities.

Special attention should be given to where landscaping is required as a "buffer" to protect the setting and amenity of adjacent property or to protect other features of importance such as water courses, nature conservation sites, wildlife corridors, heritage assets or distinctive landscapes.

Control over the species mix is necessary to ensure the successful growth of new native planting and prevent invasive or exotic species that pose a threat to other wildlife. Special care will also be applied where landscaping needs to be more robust to prevent misuse or erosion.

It is important that all gates, walls and fencing, boundary treatments are designed to be compatible with the setting of the area should be used to create safe and visually attractive development.

Trees that will be too close to buildings or site layouts which are too cramped to provide for the normal growth of trees to maturity is likely to lead to pressure for their subsequent removal.

Therefore, the siting and layout of new development and provision of usable amenity space will be carefully regulated in order to prevent the need to remove trees once the development is complete and occupied.

In addition to the powers and duties outlined above, the Local Planning Authority also has the power to issue Tree Preservation Orders where it is "expedient in the interests of amenity". Such an Order provides additional protection to selected trees and woodlands where their removal or cutting would have a significant impact on the environment. While Policy CS1c is not a definitive strategy for Tree Preservation Orders, the criteria related to health, size, visual value and nature conservation value will form primary considerations in the issue of new or revised Orders.

Further guidance in relation to landscaping is contained within Supplementary Planning Documents for residential, employment and retail developments.

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# Transport

## Policy CS40 - Transport Requirements

New development will be permitted where the proposals can be demonstrated to:

1. be located in sustainable and accessible locations to enable the greater use of sustainable transport and travel and promote the use of public transport, walking and cycling;
2. be designed and laid out to give priority to walking, cycling and public transport and be appropriate for the type and volume of other traffic likely to use and service the development, including cars, motorcycles, HGVs and other delivery vehicles, coaches and waste collection vehicles;
3. incorporate appropriate measures to ensure highway safety for all modes of transport such as segregated cycle lanes, pavements, crossing points, sight lines and visibility splays and other traffic management features;
4. provide accessible, safe and attractive facilities for pedestrians, cyclists and public transport users suitable for people of all abilities and ages which link to and contribute to the enhancement of existing networks;
5. reinforce the implementation of 20mph zones outside main routes in residential areas;
6. minimise the environmental impact of traffic likely to be generated by the development on residential areas and other sensitive uses, such as schools, care homes and hospitals;
7. secure appropriate provision for on-site parking and manoeuvring, including safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers enclosed within a building) and the provision of electric vehicle charging infrastructure, where appropriate;
8. secure appropriate measures to support the greater use of public transport and active travel networks and facilities to offer a choice of transport modes;
9. ensure that access to existing and future infrastructure projects are safeguarded through appropriate design and layout in accordance with Policy CS41. Proposals which are contrary to the safeguarding of strategic infrastructure improvement projects will be refused;
10. not create hazardous highway conditions or result in severe cumulative impacts on the efficient operation of the highway and wider transport network; and
11. comply with the requirements of Policy CS1A.

A Transport Assessment and Travel Plan and/or personal travel planning programme, including full details on how these would be implemented, must be submitted alongside any planning application that generates significant amounts of movement.

Developments resulting in a material increase or significant change in the character of traffic using a rail crossing will be refused, unless it can be demonstrated that safety will not be compromised in consultation with Network Rail.

The provision of facilities or measures required to comply with Policy CS40 must be integrated at the conception stage of the development and be capable of implementation through appropriate planning conditions and legal agreements.

The Spatial Vision, Strategic Objectives and Broad Spatial Strategy (Policy CS2) promotes a safe sustainable pattern of travel, the greater use of public transport and prioritise more active forms of travel such as walking and cycling, which will contribute to more healthy lifestyles and help to reduce carbon emissions. Policy CS40 seeks to put these aspirations into practice by ensuring that appropriate provision is secured as part of the design and layout of new developments and

that the needs of more vulnerable groups, such as pedestrians and cyclists, are fully taken into account.

The Merseyside Local Transport Plan sets out the vision of a City Region committed to a low carbon future, which has a transport network and mobility culture that positively contributes to a thriving economy and the health and wellbeing of its citizens and where sustainable travel is the option of choice.

National policy indicates that development proposals should be refused on transport grounds if there would be an unacceptable impact on highway safety, where the residual cumulative impacts on the road network from development are severe. A Transport Assessment by a qualified practitioner is, therefore, an essential tool for identifying the range of demands likely to be generated by a major development, alongside an assessment of potential solutions. Travel Plans supported by personal travel planning can also ensure that developments can be designed and managed to minimise car movements and maximise walking, cycling and public transport use.

Wirral Council's Validation Checklist, which has been adopted following public consultation, provides further details on the need for and content of Transport Assessments and Travel Plans, which will vary depending on the type, scale and location of the proposed development and may require the involvement of a range of stakeholders including the City Region Combined Authority, Merseytravel; Merseyrail Electrics; Transport for Wales; Network Rail, for impacts on rail crossings; Highways England, for impacts on the M53 Motorway and Strategic Highway Network; and local bus and coach operators. Larger schemes may be required to undertake transport modelling work. Information on the type of assessment that will be required and what they should contain can currently be found in the Department for Transport document 'Guidance on Transport Assessment' (2007) and should be discussed at the pre-planning application stage with the Local Planning Authority.

Wider initiatives to support sustainable travel will also be supported subject to Policy CS44. Local parking standards and guidance on how to secure compliance, with Policy CS40 are set out in relevant Supplementary Planning Documents.

## **Policy CS41 - Transport Schemes**

Measures to improve traffic management and highway safety, including minor highway improvements and enhanced provision for public transport, electric/ultra-low emission vehicles, walking and cycling will normally be permitted subject to Policy CS1A and Policy CS1B.

Proposals for development should have regard to the transport modelling and assessments in the Local Plan evidence base and ensure that land is safeguarded to facilitate the delivery of the following transport schemes:

1. schemes to promote regeneration and economic growth and support improved access to the ports and Birkenhead Town Centre;
2. schemes to support the delivery and integration of Wirral Waters and the Mersey Waters Enterprise Zone with the surrounding areas;
3. schemes to facilitate the greater use of public transport, electric/ultra-low emission vehicles and to support the more efficient use of the rail network;
4. schemes to support greater use of walking and cycling; and
5. the protection of routes that may be critical in developing future transport infrastructure.

Policy CS41 applies to development requiring planning permission for the provision of additional infrastructure, such as new roads and car parks that does not qualify as permitted development under planning legislation.

As part of the background work on the Local Plan, transport modelling and assessments have been used to predict the potential impact of proposed development on the transport network. This work has been used to help identify where additional infrastructure will be required, is feeding into broader transport studies, and developers will be expected take this work into account when proposals are being conceived.

Policy CS41 also safeguards land where further improvements to transport networks are expected to be necessary to improve the safety and efficiency of the transport network, tackle congestion, improve air quality, provide sustainable transport options to reduce the need to travel by private car and encourage healthy lifestyles.

A full list of potential transport schemes is included in the Infrastructure Delivery Plan that accompanies this Proposed Local Plan.

## HERITAGE ASSETS

### **POLICY CS42 - PROTECTION OF HERITAGE ASSETS**

Designated and non-designated heritage assets and their settings identified on the Merseyside Historic Environment Record and the National Heritage List will be protected in a manner appropriate to their significance.

In considering proposals for development the Local Planning Authority will, where relevant, have special regard to the desirability of preserving or enhancing :

- (i) Buildings, Structures and other Features of Recognised Architectural or Historic Importance;
- (ii) Historic Areas of Distinctive Quality and Character;
- (iii) Historic Parks;
- (iv) Important Archaeological Sites and Monuments, and
- (v) Conservation Areas and Historic Landscapes.

Applications will be supported when it is clearly demonstrated that:

- a) they will preserve, enhance or better reveal features that contribute to the significance of the heritage asset and/or its setting;
- b) they will contribute to achieving sustainable development in accordance with Policy CS1B; and
- c) the work is the minimum level needed to secure and enable a sustainable viable long term future for any building at risk.

Proposals must be based on proportionate evidence set out in a Heritage Impact Assessment to understand the significance of the affected heritage asset and record any proposed loss (wholly or in part), which can be archived in the Historic Environment Record and made available for public inspection.

Any harm or loss will not be permitted unless there is clear and convincing justification, in line with national policy, to demonstrate:

- 1; there are exceptional circumstances to clearly warrant substantial harm or loss to a grade II listed building or park; or
2. there are wholly exceptional circumstances to clearly warrant substantial harm or loss to a scheduled monument or equivalent archaeological asset, a grade I or grade II\* listed building or park; and
3. the development is necessary to achieve substantial public benefits, which would clearly outweigh the harm, or all of the following apply:
  - i) all reasonable uses would be prevented by the nature of the asset; and
  - ii) no viable use or enabling development taking account of grant funding can be found in the medium term, after appropriate marketing; and
  - iii) conservation cannot be secured through grant funding, or through charitable, not for profit or public ownership, and
- (iv) the harm or loss is outweighed by benefits from bringing the site back into use.

Proposals likely to cause less than substantial harm to the significance of the heritage asset or its setting will be only permitted where it is clearly demonstrated that the harm will be outweighed by the public benefits of the proposal.

The need for new development must be seen alongside the high priority to be given to conserving Wirral's built and archaeological heritage and the need to protect areas of special environmental quality. Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and other archaeological sites all represent important landmarks throughout the Borough which directly

contribute to the wider character of the area. They are worthy of special protection in their own right. Great weight will be given to the asset's conservation taking account of its significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance in line with national policy.

Such heritage is vulnerable to change. Once lost or altered it cannot be adequately replaced and it is important that the most valuable sites and structures are not needlessly or thoughtlessly destroyed. Policy CHO1, therefore, specifically provides for the best examples of Wirral's cultural heritage to be preserved having regard to the significance of the asset in line with national policy and seeks to ensure that the case for preservation is fully considered when assessing all proposals for new development

#### **Policy CS42c - Demolition Control within Conservation Areas**

The demolition of buildings or structures within a designated Conservation Area, other than Listed Buildings or structures, will only be permitted where:

- (i) the building or structure to be removed has little historic importance, visual merit or group value, or otherwise detracts from the special character of the Area; and
- (ii) detailed plans for redevelopment that would enhance the character of the Area will be completed after the loss has occurred.

Demolition can often leave discordant gaps in the local townscape and, where undertaken prematurely, can lead to unsightly areas of neglected land which may persist over a long period of time. This is especially detrimental within Conservation Areas. For this reason, special controls exist for the Local Planning Authority to regulate demolition within the designated Area in order to refuse it or mitigate its impact. These controls relate only to non-listed buildings, as separate legal provisions apply to the demolition of Listed Buildings or structures.

Despite limited value in heritage terms, non-listed buildings can often make an important contribution to the character of a Conservation Area and to the setting of any Listed Buildings within them. This is especially the case where they relate well in style, scale, age, materials and layout to other buildings of importance within the Area and where they help form part of characteristic views into or out of the designated Area.

In general terms, demolition will only be acceptable where the premises or structures involved have little or no merit in terms of their contribution to the history, character or appearance of the Conservation Area concerned. The Local Planning Authority will, however, normally encourage proposals to develop or replace buildings or areas which are out of harmony with the wider character of the Area, providing those proposals are carefully designed in order to enhance the overall appearance of the Conservation Area. Demolition required under these circumstances will normally be approved.

Policy CS42c specifically guards against the premature loss of a building by ensuring that demolition is only permitted where directly related to plans for redevelopment or site treatment which are acceptable to the wider objectives of Conservation Area control.

### **Policy CS42d - Bidston Village Conservation Area**

In relation to Bidston Village Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the rural character of the historic village and the visual separation of the village from the modern, built-up areas nearby;
- (ii) retain the character, scale and setting of remaining agricultural buildings and cottages;
- (iii) preserve unifying features of design, such as window treatments, stone parapets, gabled entrance porches, the mix between brick and stone as building materials, and stone boundary walls; and
- (iv) retain tree-belts on the lower slopes of Bidston Hill behind Bidston Hall, and on land between Lennox Lane and Bidston Village Road.

Priority will be given to retaining primarily rural land-uses within the precincts of Church Farm, Ivy Farm, Yew Tree Farm and Bidston Hall Farm, and to retaining the open aspect of land between Boundary Road and Bidston Hall, and at the junction of Lennox Lane and Bidston Village Road.

Bidston Village Conservation Area was designated in 1972 and was the first Conservation Area to be designated within the Borough. Its boundaries are principally drawn around the original linear settlement but also include areas of open land and woodland which provide an important separation between the village and the areas of modern development nearby.

The village is early medieval in origin and was the ancient parochial centre for a wide area stretching as far as Moreton, Saughall Massie and Claughton. However, today the village retains the character and appearance of a traditional rural English village. This character principally derives from buildings such as St. Oswald's Church, and the collection and design of modest cottages, and farmhouses, with their associated outbuildings and paddock areas.

The objective of Policy CS42d is to preserve features which contribute towards the distinctive historic character of the village, reinforce the sense of separation between the village and the surrounding area, and which retain the agricultural character and setting of former farm buildings to the north and south of Bidston Village Road. This includes the preservation of predominantly rural land-uses within the remaining areas of open land.

### **Policy CS42e - Hamilton Square Conservation Area**

In relation to Hamilton Square Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the historic character, formal setting and sense of enclosure within the central square;
- (ii) retain the unity of design and elevational treatment of buildings overlooking the central gardens;
- (iii) preserve the wider visual setting of the Square by controlling the design and scale of new buildings located outside but visible from the central square; and
- (iv) secure renewed economic, residential and leisure activity within the Area.

Priority will be given to retaining the historic and formal character of the central garden area.



Hamilton Square Conservation Area was designated in July 1977 and extended in June 1994. It contains the largest, Grade 1 Listed, Victorian square outside London and has major significance for the historical development of Wirral. It represents one of the first residential areas for businessmen and the professional classes to be built in the newly formed town of Birkenhead, following the introduction of steam ferries across the River Mersey.

The Area still forms the primary focus for the commercial office centre of Birkenhead and is also a focus for urban tourism together with other nearby attractions allied to the Birkenhead Heritage Trail.

The principal character of the Area derives from the grand scale of the architecture, the sense of enclosure and the general uniformity of design and elevational treatment throughout the central square. The objective of Policy CS42e is, therefore, to preserve these elements in the design and appearance of the Square and to retain the open aspect and formal arrangement of the central garden area.

The boundary of the Conservation Area includes period property along Argyle Street, Hamilton Street and Market Street which provide an important and complementary "visual envelope" to the main Square. However, this boundary does not include all the buildings or land which have potential to detract from its wider visual setting. Policy CS42e, therefore, requires all new development located outside but visible from the central Square to be of a scale and design appropriate to maintaining the Area's historic character.

#### **Policy CS42f - Birkenhead Park Conservation Area**

In relation to Birkenhead Park Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the character and appearance of an extensive Victorian public park;
- (ii) preserve unifying features of design, such as gate piers, boundary fences and stone walls, and the nature and extent of landscaping throughout the Area; and
- (iii) restrict the non-residential use of existing buildings within the Area, unless a primarily domestic setting would be retained.

Priority will be given to preserving uninterrupted, tree-lined, open vistas within the "inner park" as delineated by the route of Park Drive.

Birkenhead Park Conservation Area was designated in June 1977 and is also designated as an historic park and garden in the Historic England Register of Parks and Gardens of Special Historic Interest in England.

It is universally acknowledged to be the first publicly-funded park in Britain, and provided the inspiration for the design of Central Park, New York and for the Victorian "Public Parks Movement", which extended a permanent influence throughout this Country and beyond. It currently possesses Grade 1 status within the Historic England Register of Historic Parks and Gardens.

The character and appearance of the Area principally derives from its wide and varied collection of period buildings and structures set within and around a mature parkland setting, unified by

common features of design such as gate piers, boundary railings and substantial landscaping. Policy CS42f, therefore, provides for these features to be retained and restricts new uses which would by their nature or design prejudice the landscaped appearance of the area or detract from the primarily domestic character of period buildings. Policy CS42f also restricts new development falling within the area of open land bounded by Park Drive in order to preserve the open landscaped setting of the central parkland area.

#### **Policy CS42g - Oxton Village Conservation Area**

In relation to Oxton Village Conservation Area the principal planning objectives for the area will be to:

- (i) retain the character of the early Victorian commuter settlement;
- (ii) preserve the sense of contrast between houses in spacious grounds and cottage-scale groups of dwellings;
- (iii) retain unifying features throughout the Area, such as narrow roads and paths, mature trees, and stone walls; and
- (iv) retain visual coherence within the retail area, in terms of elevational treatment and the design of shop fronts.

Outside the retail area, only primarily residential uses will be permitted.

Oxton Village Conservation Area was designated in April 1979. Its boundaries were drawn to reflect the extent of the early Victorian commuter settlement which developed over the summit of Oxton Hill during the nineteenth century.

The variety of period buildings, ranging from terraces, stone-built cottages and detached stuccoed villas in extensive grounds, give the Area a character unique within Birkenhead. This character is reinforced by details such as elevational treatments, window styles and ornate cast-iron porches, as well as the overall setting of the Area with its narrow roads, lanes and paths, sandstone walls, "cottage" gardens and extensive tree cover. The objective of Policy CS42g is, therefore, to ensure that these distinctive features are preserved and enhanced.

These considerations will also apply within the Oxton Village retail area. Applications for development, including new shop fronts, will, therefore, be specifically required to respect and "mirror" the historic context of the Area. Outside this area, Policy CS42g restricts non-residential uses in order to retain the principally domestic character of the Area and of its historic buildings.

#### **Policy CS42h - Rock Park Conservation Area**

In relation to Rock Park Conservation Area the principal planning objectives for the area will be to:

- (i) retain the original character, design and layout of the former merchants' estate;
- (ii) preserve public access along the Esplanade and views across the Mersey Estuary; and
- (iii) retain unifying features, such as the irregular, looped, landscaped driveway and the density, scale, massing and woodland setting of the developed areas.

Only primarily residential uses will be permitted within the Area and, priority will be given to retaining the open, landscaped character of Rock Park Linear Open Space and Rock Park Esplanade Open Space.

Rock Park Conservation Area was designated in February 1979. It represents a purpose-built, out-of-town, residential estate formed by Liverpool merchants and sited near the local cross-river ferry terminal. The riverside estate also benefits from fine views across the Mersey Estuary and can be clearly recognised from viewpoints on the opposite bank of the River.

The character of the Area mainly derives from the design and layout of the estate. The original estate formed forty-four residential plots, laid out around an irregularly looped landscaped driveway. Each plot was then sold with articles of agreement regulating the density, design and nature of the development subsequently undertaken. The objective of Policy CS42h is, therefore, to ensure that these planned aspects of design and layout continue to be respected.

Rock Park Esplanade and the former ferry landing point is one of few public access points to the riverfront, south of Tranmere. Rock Park Esplanade Open Space is also a prominent landmark in views of the peninsula from the Liverpool riverfront. Policy CS42h, therefore, also provides for these features to be preserved.

#### **Policy CS42i - Port Sunlight Conservation Area**

In relation to Port Sunlight Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the planned layout of the village and unifying features, such as the scale, massing, and design of buildings, including the use of superblocs, together with their landscape setting;
- (ii) to retain the historic factory frontage overlooking the village from Wood Street; and
- (iii) to preserve the visual setting of the Church and Art Gallery, including the formal axis of The Diamond.

Priority will be given to retaining primarily residential uses within the Area and to preserving the formal character and layout of the open spaces and landscaped areas.

Port Sunlight was designated a Conservation Area in March 1978. The open spaces at The Dell, The Diamond and The Causeway, in Port Sunlight, are also designated as an historic park and garden in the Historic England Register of Parks and Gardens of Special Historic Interest in England.

The Village is an innovative, planned settlement conceived by William Lever in order to house the workers of his nearby soap and chemical works. It has an international reputation as an early and classic example of English philanthropy, which combined a concern for sanitary living conditions with the objective of providing an attractive, landscaped suburb for the working classes.

The Village still represents a residential environment of rare quality within the built-up area. The objective of Policy CS42i is, therefore, to retain and preserve essential elements in the "planned" form, layout and architectural detail of the Village. This especially includes the formal layout of open spaces which provide the setting for prominent "public" buildings, such as Christchurch and the Lady Lever Art Gallery. Policy CS42i also provides for the primarily domestic character and scale of the Village to be preserved and for the historic factory frontage to be retained as a continuing reminder of the purpose and history of the Area.

### **Policy CS42j - Eastham Village Conservation Area**

In relation to Eastham Village Conservation Area the principal planning objectives for the area will be to:

- (i) maintain a sense of separation from the surrounding built-up area through the retention of open spaces around the village core;
- (ii) preserve the setting and sense of enclosure afforded by boundary walls, hedges and mature landscaping; and
- (iii) preserve the visual setting of the village cross and war memorial and the Church of St. Mary, with its yard and lych-gate.

In considering new proposals within the Area, special attention will be given to preserving the group value of period buildings, the irregular development pattern, and the relationship between the design, scale and setting of property and the use of building materials.

Eastham Village Conservation Area was designated in April 1974. While many of its historic buildings are Victorian or later, the settlement is mediaeval in origin and the Village still retains its mediaeval street pattern. It is this street pattern and the group value of a rich variety of irregularly clustered period buildings which largely determines the distinctive character of the Area.

The character and appearance of the Village is in stark contrast to the planned layout of the modern housing estates nearby. The objective of Policy CS42j is, therefore, not only to retain the distinctive character of the settlement but also to maintain the open or woodland setting of the village and a sense of separation from the surrounding urban area. Policy CS42j also provides for preserving the visual dominance of major focal points within the Village such as the church, and the village cross and war memorial.

### **Policy CS42k - Caldy Conservation Area**

In relation to Caldy Conservation Area the principal planning objectives for the area will be to:

- (i) retain the character of a low density, maturely landscaped suburb with substantial houses in large grounds;
- (ii) retain the unifying features of design, layout and building materials within the old village core;
- (iii) preserve the unity of strongly enclosed boundary treatment incorporating high walls, dense landscaping or dark-stained, close-boarded, timber fences in the area outside the old village core; and
- (iv) preserve, wherever practicable, views of the Dee Estuary and of the North Wales coast beyond.

Only primarily residential uses will be permitted within this Area.

Caldy Conservation Area was designated in October 1974. It is situated on a prominent, wooded, west-facing slope, offering dramatic views over the Dee Estuary to North Wales.

The boundary, therefore, contains those areas where uncontrolled change would do significant harm to the special quality of the environment.

The Area not only includes the small nucleus of the old historic village, but also the areas of large detached dwellings set in extensive grounds which now primarily define the character of the Area. While the old village is almost exclusively constructed of red ashlar sandstone and contains buildings dating back to the seventeenth century, the surrounding area has slowly been developed since 1906, as a spacious residential district.

The development of the wide area was first regulated by the owning control of the Caldby Manor Estate Company, but has latterly been regulated through design and density controls applied by the Local Planning Authority. Policy CH11, therefore, provides for these controls to be maintained in order to respect the established architectural and landscape standards elsewhere within the estate.

### **Policy CS42I - Frankby Village Conservation Area**

In relation to Frankby Village Conservation Area the principal planning objectives for the area will be to:

- (i) retain the character and appearance of an historic rural village;
- (ii) preserve a compact settlement form, which is separate and distinct from the modern, built-up areas nearby;
- (iii) retain unifying features of scale, layout, design and materials and the focus of buildings around the central green; and
- (iv) preserve the rural character of former farm buildings.

New development will not be permitted upon the area of common land known as Frankby Green.

Frankby Village was designated a Conservation Area in October 1974. It represents a compact, historic, rural village which, despite becoming an essentially residential community, still retains many of the historic features of its agricultural past.

The distinctive character and setting of the Village is reinforced by its continued separation from the more modern built-up areas nearby. Policy CS42I, therefore, provides for this separation to be preserved, together with the essentially compact nature of the historic settlement. It also provides for the character of remaining rural buildings to be retained, including the character of those which have already passed out of agricultural use, together with their distinctive unifying features of scale, layout and design.

The buildings within the Village are also principally grouped around a small area of common land known as Frankby Green. Policy CS42I provides for this focus to be retained and, owing its visual importance within the setting of the Village, specifically provides for this area of open land to be retained free from development.

### **Policy CS42m - Gayton Conservation Area**

In relation to Gayton Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the character and scale of a small farming township in a woodland setting at the urban fringe;
- (ii) retain unifying features, such as unmade paths and country lanes, boundary walls and hedges;
- (iii) preserve the wooded and open grounds of the Gayton Hall estate; and
- (iv) retain and enhance the sequence of open views to the Dee Estuary and the North Wales coast beyond.

New uses should retain the quiet, rural character of the Area.

Gayton Village Conservation Area was designated in April 1979. While the original settlement is of mediaeval origin and can be traced back to the Domesday Book, the oldest buildings which remain relate to the seventeenth century.

The Area contains much of the original township and largely retains the character of a small farming community, based around the manorial estate of Gayton Hall. This appearance is enhanced by the scale and character of the buildings themselves, their vernacular form and construction in common local materials, their relationship to the Hall, with its extensive grounds, and their wooded, rural setting. Set within the Dee Coast Area of Special Landscape Value the Village also offers attractive views across the Dee Estuary.

Policy CS42m provides for the rural charm and woodland setting of the Area to be preserved, including distinctive features, such as cobbled streets, unmade paths and country lanes, boundary walls, hedges and cottage gardens, and views across the Dee. It also excludes uses which would be out of keeping with the quiet, domestic character of the settlement.

### **Policy CS42n - Heswall Lower Village Conservation Area**

In relation to Heswall Lower Village Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the character of the old village core, including the setting and character of its former farm buildings and cottage scale dwellings;
- (ii) preserve the character and setting of the surrounding area characterised by substantial property in large, well-landscaped grounds and by the denser more modest scale development to the north of Dawstone Park;
- (iii) retain unifying features such as stone walls, the character of narrow lanes such as School Hill, Brow Lane, West Grove and Feather Lane and areas of mature landscaping.

Notwithstanding designation as Urban Greenspace, special attention will be given to retaining the historic character of Dawstone Park.

Heswall Lower Village Conservation Area was designated in April 1979. Its boundaries are drawn to encompass the original nucleus of the small fishing village which pre-dated the suburban expansion of Heswall after the arrival of the railway in the late nineteenth century, as well as some of the earliest and best of the later suburban development.

The heart of the original settlement, based around Village Road, Raby Close and The Lydiate, can still be discerned and retains much of the character of a typical English Village, including its church and rectory, public house, village hall, shops and groups of cottage scale dwellings, and former farm buildings such as Lydiate Farm and The Old Smithy. One objective of Policy CS42n is, therefore, to ensure that the distinctive character of the old village continues to be preserved.

Policy CS42n also seeks to preserve the setting and appearance of the surrounding area. This area can be split into two distinct segments: the area characterised by substantial houses set in large grounds, situated towards and along Dawstone Road; and the more clustered modest scale development, based around Dee View Road, The Mount and the upper part of School Hill. In accordance with Policy CS42n, new proposals will be required to reflect the specific character of the sub-area in which it is located.

The special character of Dawstone Park, and the significance of its location at the junction of these three distinct areas in the historic development of the Village, also merits special protection. Policy CS42n, therefore, provides for the historic character of this open space to be preserved.

#### **Policy CS42o - Thornton Hough Conservation Area**

In relation to Thornton Hough Conservation Area the principal planning objectives for the area will be to:

- (i) retain a compact settlement pattern within the setting of the historic country estate;
- (ii) preserve the consistency of scale, and the variety of design, building materials and architectural detailing of individual buildings and cottage terraces within the Area; and
- (iii) preserve the settings of St. George's Church and All Saints Parish Church, as focal points within the Village.

Priority will be given to retaining the open character of Thornton Hough Recreation Ground in order to preserve the visual setting of the Village.

Thornton Hough was designated a Conservation Area in April 1979. The boundary is drawn to reflect the compact settlement, built during the late nineteenth and early twentieth centuries as an "estate village" to house the employees of the Leverhulme Estate.

The character of the Area is largely determined by the scale, building materials and architectural detailing of buildings and terraces which comprise the Village, and which directly reflect the different phases of its development. The objective of Policy CS42o is, therefore, to retain the contrast between the areas of the Village developed by Joseph Hirst and those subsequently built by William Lever, and to preserve the visual richness which arises from the wide variety of design and architectural detailing they introduced.

While views into and out of the Village are not long or significant when approaching from Thornton Common Road, Manor Road or Raby Road, the view of the Village from Neston Road rising up

the hill towards the focal points of St. George's Church and All Saints Parish Church, across the cricket ground with its thatched pavilion, presents a picture of the English rural ideal. Policy CS42o, therefore, aims to preserve this distinctive view and the general picturesque setting of the village from this direction, by restricting new development within Thornton Hough Recreation Ground.

#### **Policy CS46p - West Kirby Old Village Conservation Area**

In relation to West Kirby Old Village Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the remaining semi-rural, low density character of a former medieval hamlet in a woodland setting;
- (ii) preserve the open aspect of remnant fields which originally surrounded the Village;
- (iii) retain the scale and massing of buildings at the Village core, between 14-32, Village Road, and the open setting of The Ring O' Bells, The Rectory and St. Bridget's Church; and
- (iv) retain unifying features, such as woodlands, tree groups, stone walls, and the character of narrow unmade paths.

Priority will be given to retaining the open setting of land and woodland to the east and west of Echo Lane and of open land to the east of Church Walk.

The "old village" area of West Kirby was designated as a Conservation Area in September 1973. It incorporates the nucleus of the old medieval hamlet and includes many of the oldest buildings in West Kirby.

The character of the Area is primarily derived from its historic associations but is significantly enhanced by the design and setting of its major buildings, such as St. Bridget's Church and Rectory, unifying features such as red sandstone walls, woodland areas, narrow unmade paths and lanes, and by the open aspect of remnant fields which originally surrounded the Village.

The objective of Policy CS42p, therefore, is to ensure that these distinctive features are preserved and that aspects of the Area which serve to indicate the original character of the Village are, wherever possible, enhanced and retained.

#### **Policy CS42q - Saughall Massie Conservation Area**

In relation to Saughall Massie Conservation Area the principal planning objectives for the area will be to :

- (i) preserve the rural setting, scale and character of the old Village core;
- (ii) preserve a compact settlement form which is separate and distinct from the modern, built-up areas nearby; and
- (iii) retain unifying features such as stone walls, narrow lanes enclosed by mature hedgerows, a courtyard layout to building groups and construction materials.



Saughall Massie Village Conservation Area was designated in January 1974. It contains a small, agricultural settlement as well as some of the surrounding fields which continue to provide an appropriate rural setting for the Village. While the original settlement is of mediaeval origin, most of the historic buildings which remain date from the early to mid-seventeenth century.

Two farms still operate from the Village and while some buildings have been converted, the primarily agricultural character of the Area has been retained. This is reinforced by the setting of the Area, the character, scale, and form of the buildings themselves, and other characteristic features such as stone walls, mature hedgerows and narrow roads and lanes. The objective of Policy C42q is, therefore, to preserve the historic layout, small scale and essentially agricultural nature of the Village and its buildings. Policy CS42q also provides for the Village to continue to remain separate and distinct from the urban area nearby.

#### **Policy CS42r - Wellington Road (New Brighton) Conservation Area**

In relation to Wellington Road Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the character of a series of Victorian Villas and terraced gardens with an open coastal aspect;
- (ii) retain common aspects of villa design such as gabled roofs, barge-boarding, stuccoed elevations, decorated friezes and cast-iron balconies overlooking the coastal promenade; and
- (iii) preserve the historic character of Marine Park for formal public recreation.

Only primarily residential uses will be permitted within the existing built-up area and notwithstanding designation under Proposal GR2, priority will be given to retaining the open aspect of land designated as Urban Greenspace to the north and east of the Conservation Area.

Wellington Road Conservation Area was designated in December 1973. It represents the earliest area developed as part of the "new" resort of New Brighton and was the only part of James Atherton's first design for the original resort to be implemented. It contains a series of villas, overlooking Liverpool Bay, built to take advantage of the change in ground levels along the coastal strip.

The character of the Area principally derives from the group value of the cliff-top villas, which form a strong visual line when viewed from the promenade. Despite variety in design, they form a cohesive group by virtue of their scale and layout and common features such as gabled roofs, barge-boarding, stuccoed elevations and their long, north-facing, terraced gardens which also form a characteristic part of the historic New Brighton waterfront.

Policy C42r provides for these aspects of the historic design and character of the Area to be preserved but also provides for development to be restricted on the areas of flat open land forming the coastal strip along Kings Parade Promenade. These sites are also designated as Urban Greenspace and form an essential part of the setting of the Area, enhancing the cliff-top aspect of the villas which overlook them, and include Marine Park, which was formally laid out for public recreation during the latter part of the nineteenth century. Policy C42r also restricts proposals which would be out of keeping with retaining the domestic character of period buildings.

### **Policy CS42s - Thurstaston Conservation Area**

In relation to Thurstaston Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the character of a traditional English Village and the character of its historic agricultural buildings;
- (ii) preserve the setting of the Village's "public" buildings including St. Bartholomew's Church, Thurstaston Hall, and the School House;
- (iii) retain unifying features, such as building materials, stone walls, hedges and unmade tracks, and the layout of farm buildings of traditional form grouped around a central courtyard; and
- (iv) maintain tree groups to the north of Thurstaston Hall, south-west of the Station Road/ Telegraph Road junction, and to the east of Station Road between the two lodges.

New development will not be permitted in the area of open land in front of St. Bartholomew's Church.

Thurstaston Village Conservation Area was designated in February 1981. It is situated within the Dee Coast Area of Special Landscape Value. While originally a farming community, the settlement still retains the image of a traditional English rural village, with its Church, Hall, School House and surrounding farmsteads.

The character of the Area primarily derives from its topographical setting, the surrounding landscape including a number of important tree groups within the Village itself, and the character, design and layout of the remaining historic buildings and enclosures. Policy CS42s, therefore, specifically provides for these historic features to be preserved.

Policy CS42s also provides for the setting and character of the historic "public" buildings of the Village to be retained and restricts development on open land at the entrance to the Church and Hall, which in visual terms serves the function of a village green.

### **Policy CS42t - Bromborough Village Conservation Area**

In relation to Bromborough Village Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the historic character of the Village core, based around the landmarks of St. Barnabas' Church and Bromborough Cross;
- (ii) preserve the character and setting of the Church and its precincts, including the courtyard, Hall, school, school house and lych-gate; and
- (iii) retain unifying features such as stone walls, narrow lanes and shared elements of building design and materials.

No infill development will be permitted between 2 and 22, The Rake, inclusive.

Bromborough Village was designated as a Conservation Area in July 1982, and is one of the smallest in the Borough. The boundary to the Area has been drawn tightly in order to include the core of the old village and remaining vernacular buildings along The Rake and Bromborough Village Road.

Originally a compact, nucleated village, centred on St. Barnabas' Church, it has largely been overtaken by more modern development. However, enough of the historic centre remains to enable the character of the original settlement to be discerned. This character is principally derived from the historic market cross, the setting and visual dominance of the Church, and the courtyard formed by its associated buildings at Church Lane.

The objective of Policy CS42t is, therefore, to ensure that the character and setting of these historic features is retained, wherever possible. Policy CH20 also specifically restricts infill development affecting period property along The Rake, in order to preserve the distinctive character and scale of the remaining domestic property within the Village.

#### **Policy CS42u - Barnston Village Conservation Area**

In relation to Barnston Village Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the domestic scale and quiet character of an historic, rural village;
- (ii) retain unifying features, such as the character of historic farm buildings, stone walls and mature trees;
- (iii) preserve the wooded scenic corridor to the north of the Village along Barnston Road; and
- (iv) retain the character, setting and group value of imposing buildings in spacious grounds, focussed in a loose square around the Church precincts.

Barnston Village Conservation Area was designated in December 1983. While the original village can be traced back to the Domesday Book, the earliest remaining buildings in the Village date from the eighteenth century. Still dominated by working farms, the Village retains its essentially rural character and represents a good example of a post medieval nucleated settlement.

The appearance of the Village is dominated by two distinctive groups of buildings: the old core of domestic buildings, centred on Old Lane and its junction with Barnston Road; and the Church precincts, framed by imposing sandstone buildings formed in a loose square whose open side is presented to Barnston Road. Policy CH21, therefore, provides for these features of the Village to be preserved.

Policy CS42u also provides for the rural character of the Area to be preserved and, in particular, for the wooded, scenic corridor along Barnston Road to be protected. This corridor, leading out of the built-up area towards Barnston Dale, forms an important visual complement to the wider setting of the Village.

### **Policy CS42v - Bromborough Pool Conservation Area**

In relation to Bromborough Pool Conservation Area the principal planning objectives for the area will be to:

- (i) retain the uniform, planned form of the historic, industrial workers village;
- (ii) preserve the open aspect of land providing an important separation function from surrounding modern industrial uses;
- (iii) retain unifying features of design, including the grid-iron pattern, terraces of four, materials, scale, elevational treatment and garden areas; and
- (iv) retain the high wall bounding the Village along Dock Road South.

Only primarily residential uses will be permitted within the Area and priority will be given to retaining the primarily open aspect of land used as playing fields at The Green and fronting South View.

Bromborough Pool Village Conservation Area was designated in October 1986. It was developed as a model village in 1854 to provide homes for workers in the nearby Price's Candle Factory. Development of the Village continued throughout the rest of the century to incorporate a school, hospital, village hall and Church, all of which remained in the ownership of the factory. The Village, therefore, represents one of the earliest examples of English private company philanthropy.

Policy C42v provides for essential elements in the planned form of the Village to continue to be preserved, including the uniformity of layout and the setting and detailed design of individual buildings. It also provides for the Village to remain a Primarily Residential Area and to remain essentially separate from its modern industrial surroundings, by restricting new development on open land which serves as an essential buffer between the Village and the modern factory premises nearby.

An Article 4 Direction, for the built up parts of Bromborough Pool Conservation Area, is in force, which limits permitted development rights for properties within the Village.

### **Policy CS42w - Flaybrick Cemetery Conservation Area**

In relation to Flaybrick Cemetery Conservation Area the principal planning objectives for the area will be to:

- (i) retain the quiet character and landscape quality of the early Victorian cemetery;
- (ii) preserve extensive views of Birkenhead and across the River Mersey to Liverpool;
- (iii) retain unifying features, such as stone walls and railings, symmetrical composition and the gothic style of chapels and lodges; and
- (iv) preserve the visual dominance and style of the main processional avenue.

New development within the main cemetery area will be restricted to small scale facilities required for visitors or for cemetery maintenance.

Flaybrick Cemetery Conservation Area, designated in 1990, is also known as Flaybrick Memorial Gardens and is designated as an historic park and garden in the Historic England Register of Parks and Gardens of Special Historic Interest in England.

It represents a fine example of a formal Victorian cemetery and possesses considerable local significance, containing the graves of many people prominent in the early growth of Birkenhead. Developed over the period since 1864, it also commands fine views of Birkenhead and across the River Mersey to Liverpool.

The character and appearance of the Area primarily derives from the quality of landscaping, formality of design and from the topographical setting of the cemetery. Policy CS42w, therefore, provides for these distinctive features of the cemetery to continue to be preserved, together with unifying features, such as the central, tree-lined processional avenue, the prominence and setting of the twin chapels and the sandstone perimeter wall with cast-iron coping railings.

Policy CS42w also restricts new development within the main cemetery area. The cemetery is not an appropriate location for new development other than that specifically required for its continued maintenance.

#### **Policy CS42x – Kings Gap Hoylake Conservation Area**

In relation to Kings Gap Hoylake Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the character and appearance of a Victorian and Edwardian seaside resort and commuter settlement;
- (ii) preserve particular aspects of historic building design such as barge boards and blind boxes, gate piers, setts and cast iron railings;
- (iii) retain unifying features such as the gridiron pattern of roads, grass verges, street trees, granite kerb stones, sandstone and other boundary walls, mature hedges and trees, and close boarded timber fences; and
- (iv) retain and enhance the open views across the Royal Liverpool Golf Course, the Dee Estuary and Liverpool Bay.

In considering proposals for new development within the Area, special attention will be paid to the style, scale, massing and setting of the property, the type and quality of building materials, and the details of design, landscaping and boundary treatment.

Kings Gap Hoylake Conservation Area was designated in April 2000. It represents an area of 19<sup>th</sup> and early 20<sup>th</sup> Century housing development in generously sized plots sandwiched between the sea and the Royal Liverpool Golf Course.

The character and appearance of the Area primarily derives from the style and pattern of building associated with the development of the area during the Victorian and Edwardian periods. The Conservation Area shows the progress of design and development across these periods following the construction of the railway in 1866 and demonstrates the changes in the taste, wealth and status of the incoming inhabitants.

Policy CS42x seeks to retain the character and appearance of a Victorian and Edwardian seaside resort and to control the design of new buildings to ensure that they will not conflict with the design traditions established within the Conservation Area.

### **Policy CS42y – Meols Drive Conservation Area**

In relation to Meols Drive Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the historic character and appearance of a wealthy late Victorian and Edwardian commuter suburb and the setting, landscape and skyline of the Royal Liverpool Golf Course;
- (ii) retain the consistency of scale, massing and separation between neighbouring buildings;
- (iii) preserve the variety of buildings, materials and design linked by a common design approach, including highly decorative details and roofscapes;
- (iv) retain unifying features such as building lines, generous landscaping and boundary treatment, including sandstone and red brick walls, along public frontages; and
- (v) promote a more unified treatment along the boundary with the Royal Liverpool Golf Course.

In considering proposals for new development within the Area, special attention will be paid to the style, scale, massing and setting of the property, the type and quality of building materials, and the details of design, landscaping and boundary treatment.

Meols Drive Conservation Area was designated in April 2004 in order to preserve the local distinctiveness and historic setting of the area associated with the Royal Liverpool Golf Course.

The character and appearance of the Area is defined by the spacious, landscaped setting of Meols Drive, the scale and character of individually designed buildings, the quality and variety of materials, and the distinctive detailing associated with the “arts and craft” movement at the turn of the 20<sup>th</sup> Century.

Policy CS42y seeks to ensure that the character and appearance of the Area will not be harmed through the introduction of higher density development, out of keeping with the historic design traditions of the Area. Policy CS42y, in particular, seeks to preserve the consistency of scale, massing and separation between buildings and the individual but common design approach to materials, variety and detailing.

### **Policy CS42z – Clifton Park Conservation Area**

In relation to Clifton Park Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the historic character and appearance of a Victorian suburb and its landscaped setting;
- (ii) retain the consistency of scale, massing and separation between neighbouring buildings;
- (iii) preserve the variety of buildings, materials and design linked by a common design approach, including highly decorative details and roofscapes; and
- (iv) retain, create and improve unifying features such as boundary treatment, including stone walls and railings and attractive landscaping within public vantage points.

In considering proposals for new development affecting the Area, special attention will be paid to the style, scale, massing and setting of the property, the type and quality of building materials, and the details of design, landscaping and boundary treatment.

Clifton Park was principally laid out in the mid-18<sup>th</sup> century with large detached or semi-detached stone dressed houses within spacious plots followed smaller brick built development in the intervening period. Although there has been some infilling, its overall character remains dominated by the grand scale of the villas that are set back from the road or partly screened by trees. The architectural design with robust cornice and eaves details produce the effect that the houses have a strong presence on the street scene.

Policy CS42z seeks to ensure that the character and appearance of the Area will not be harmed through the introduction of higher density development, out of keeping with the historic design traditions of the Area. Policy CS42z, in particular, seeks to preserve the consistency of scale, massing and separation between buildings, individual design approach and to promote improved unifying boundary treatment in the public realm.

### **Policy CS42za – Lower Bebington Conservation Area**

In relation to Lower Bebington Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the setting of the historic village, period buildings and the modern civic area within the suburb that has evolved from medieval times;
- (ii) retain the consistency of scale, massing and separation between neighbouring buildings;
- (iii) preserve the variety of buildings, materials and design including highly decorative details and roofscapes;
- (iv) retain and improve unifying features such as landscaping, open spaces and boundary treatment, including stone and brick walls in public views; and
- (v) preserve the setting of period buildings such as St. Andrew's Church, the Mayer Hall complex, the Civic Centre and local shopping centre.

In considering proposals for new development within the Area, special attention will be paid to the style, scale, massing and setting of the property, the type and quality of building materials, and the details of design, landscaping and boundary treatment.

The character and appearance of the Area is defined by the scale and character of individual buildings which have evolved during the pre-industrial period to the modern era along with landscaped open spaces including Mayer Park which soften the urban environment.

Policy CS42za seeks to ensure that the character and appearance of the Area will not be harmed through the introduction of inappropriate development out of keeping with the historic design traditions of the Area. Policy CS43za, in particular, seeks to preserve the consistency of scale, massing and separation between buildings and the individual design approach to materials, variety and detailing.



### **Policy CS42zb – The Magazines Conservation Area**

In relation to the Magazines Conservation Area the principal planning objectives for the area will be to:

- i) preserve the setting and character of the historic village, variety of buildings and open space;
- (ii) retain the consistency of scale, massing and separation between neighbouring buildings;
- (iii) preserve the variety of buildings, materials and design including highly decorative details and roofscapes;
- (iv) retain and improve unifying features such as landscaping, open spaces and boundary treatment, including stone and brick walls within in public views; and
- (v) In considering proposals for new development within the Area, special attention will be paid to the style, scale, massing and setting of the property, the type and quality of building materials, and the details of design, landscaping and boundary treatment.

The Magazines is an area close to the Mersey River frontage that possesses a richness and diversity of historic and architectural interest. The core of the village is a small collection of buildings dating back to Jacobean times that once formed a small fishing village close on the edge of the estuary.

Vale Park is a central landscaped feature surrounded by a plethora of buildings that represents a sustained phase of urban development in the period 1850 to almost the present day.

The strong character of the area is based on the rich mixture of different building styles and the amenity provided by various open spaces.

Policy CS42zb seeks to ensure that the character and appearance of the Area will not be harmed through the introduction of inappropriate development out of keeping with the historic design traditions of the Area. Policy CS43y, in particular, seeks to preserve the scale, massing and separation between buildings and the individual design approach to materials, variety and detailing.

### **Policy CS42zc – Mountwood Conservation Area**

In relation to Mountwood Conservation Area the principal planning objectives for the area will be to:

- (i) preserve the character and appearance of a wealthy late Victorian and Edwardian residential suburb;
- (ii) retain the consistency of scale, massing and separation between neighbouring buildings;
- (iii) preserve the variety of buildings, materials and design including highly decorative details and roofscapes;
- (iv) retain unifying features such as attractive landscaping and boundary treatment, including stone and brick walls in public vantage point; and
- (v) preserve the setting of the most dominant buildings within the area including Prenton Reservoir and St. Stephens Church.

In considering proposals for new development within the Area, special attention will be paid to the style, scale, massing and setting of the property, the type and quality of building materials, and the details of design, landscaping and boundary treatment.

The area is defined by large individual buildings generally set within spacious grounds with many properties set back substantially from the road and shielded by heavy and mature plantings which contribute substantially to the quality of the environment.

Houses within the area have a varied mix of styles. The houses which form the core of the Mount Wood area are individually designed and can be characterised broadly as 'Arts and Crafts' with features such as steeply pitched roofs with low eaves; small, horizontally grouped windows; tall decorative chimneys; and decorative timberwork. Later properties from the 1930's and 1950's (predominantly on Stanley Avenue) display similarities but are often smaller and more modestly finished. Large brick and slate, 3-storey housing (often with red brick details) are generally located in Acrefield Road, Storeton Road and Prenton Lane.

The most dominant buildings within the area are Prenton Reservoir and St. Stephens Church. The reservoir terminates the view from Reservoir Road and is, visible from Pine Walks. St. Stephens Church is located on the brow of the hill in Prenton Lane and also provides a focus in the immediate area.

Policy CS42zc seeks to ensure that the character and appearance of the Area will not be harmed through the introduction of higher density development, out of keeping with the historic design traditions of the Area. Policy CS43y, in particular, seeks to preserve the consistency of scale, massing and separation between buildings and the individual design approach to materials, variety and detailing.

### **Policy CS42zd - Development Affecting Scheduled Ancient Monuments**

The following sites, shown on the Proposals Map, are Scheduled Ancient Monuments for the purposes of Section 1 of the Ancient Monuments and Archaeological Areas Act 1979:

1. Grange Beacon, Column Road, West Kirby.
2. Birkenhead Priory, Tranmere.
3. Site of Pre-Norman and Medieval Church, Upton.
4. Storeton Hall, Bebington.
5. Irby Hall, Moated Site.
6. Bromborough Court House, Moated Site and Fish-Ponds.
- 7A. Moated site north east of New Hall Farm, Thornton Hough
- 8A. Standing Cross, Church of the Holy Cross, Woodchurch
- 9A. Standing Cross, Church of St Barnabas, Bromborough

Development proposals liable to destroy, damage or otherwise disturb features of archaeological interest in these areas or which would have a detrimental impact on their setting will be refused.

Scheduled Ancient Monuments are designated by the Secretary of State by virtue of the historic, architectural, traditional, artistic or archaeological interest attached to them. They are of national importance. Separate legal provisions exist to prevent works involving removal, alteration or damage to the Monument without written consent from the Secretary of State.

It is national policy that great weight should be given to the conservation of a designated heritage asset irrespective of any potential harm, and that substantial harm or loss to assets of the highest significance notably scheduled monuments should be wholly exceptional. This objective will directly applicable through Policy CS42zd. Policy CS42zd will also be held to apply to additional monuments of national importance which are discovered or formally scheduled during the Local Plan period.

### **Policy CS42ze Development Affecting Non-Scheduled Archaeological Remains**

In assessing development proposals liable to affect areas known or suspected to contain important un-scheduled archaeological remains, the Local Planning Authority will in particular consider:

- (i) the potential importance of the archaeological interest of the site, in terms of the rarity, condition and estimated age of the remains; and
- (ii) whether it is desirable or practical, owing to the fragility or importance of the remains, to preserve those remains in-situ.

In order to satisfy these requirements, the Local Planning Authority will require applicants to provide a desk-based evaluation of existing information related to the archaeological interest of the site.

Where a desk-based study indicates that important remains may exist on the site, the applicant will be expected to arrange for an archaeological field evaluation, in order to define the character and extent of the remains and to identify the appropriateness of potential options for minimising or avoiding damage were development to take place.

These evaluations must be undertaken by an accredited archaeological organisation or archaeologist.

Where archaeological remains are of minor importance or it is not considered necessary to preserve them in-situ, the Local Planning Authority will grant planning permission, subject to the excavation and recording of the remains before construction commences.

Where archaeological remains are of significant importance and can only be appropriately preserved in-situ, the Local Planning Authority will assess the impact of the proposals, in terms of the potential disturbance to be caused to those remains and their setting. Where those remains cannot be accommodated within the layout of a revised development scheme or where it is not appropriate to do so, planning permission will be refused.

Policy CCs42ze sets out the general approach the Local Planning Authority will adopt in regard to the control of development and the protection of archaeological remains. It seeks to ensure that the archaeological interest a site may possess is properly taken into account where important remains are known to exist or where there is good reason to believe that important remains exist.

It is Government policy that great weight should be given to the conservation of nationally important remains, whether scheduled or not. However, because of the essentially invisible and undetermined nature of many archaeological sites, the justification for preservation should be assessed on the individual merits of each case. Policy CS42ze, therefore, provides for an assessment of the potential archaeological value of a site to be undertaken before the decision to allow development is made.

All planning applications received by the Local Planning Authority are routinely reviewed for their archaeological implications. Applicants will, therefore, be informed, as soon as possible, if their proposals are likely to affect a known or presumed archaeological site. However, in order to avoid unnecessary delay and abortive design work, prospective applicants are strongly advised to seek to establish the archaeological importance of their land at the earliest possible stage.

The archaeological status of land in Wirral can be established by reference to the Merseyside Historic Environment Record which contains database of all known archaeological sites throughout the Borough.

The assessment procedure, set out under Policy CS42za, will only be required where the proposals are likely to affect important archaeological remains. It may take two forms. The first is a desk-study in order to review existing published information related to the archaeological interest of the site. This should start with the relevant entries within the Sites and Monuments Record for Merseyside. Where necessary, and for the purpose of clarification, a field assessment, involving limited ground survey methods such as small scale trial trenching, should also be undertaken. This should enable a reliable estimate to be made of the intrinsic value of the remains and their likely condition and vulnerability to disturbance. It should also allow for a realistic assessment to be made of the need for preservation, including options for mitigating the effects of the development proposed.

When granting planning permission under Policy CS42za, the Local Planning Authority will normally require mitigating measures to be undertaken in order to avoid disturbance to archaeological remains. These may involve the re-siting or re-design of development proposals or the use of suitable alternative methods for the construction of foundations. However, Policy CS42za specifically provides, where the case for physical preservation in-situ is overwhelming and can be verified by a competent archaeological consultant, for planning permission to be refused. This will particularly be the case where the measures undertaken to safeguard archaeological remains are inadequate or where the setting of important remains would be severely compromised.

#### **Policy CSze - The Preservation of Historic Parks and Gardens**

The Local Planning Authority will pay special regard to sites included in the Historic England Register of Parks and Gardens of Special Historic Interest and will only permit development within, adjacent to, or otherwise likely to affect the setting of such a site, where the proposals:

- (i) would not involve the loss of features considered to form an integral part of the special character or appearance of the park or garden; and
- (ii) would not otherwise detract from the enjoyment, layout, design, character, appearance, or setting of the park or garden;

Special consideration will be given to matters of design, including landscaping and visual impact, in order to preserve the character and setting of the designated area.

Historic England has an established national Register of Parks and Gardens of Special Historic Interest in England. Within this Register, parks and gardens are graded with regard to the extent of interest they possess.

National planning policy guidance indicates that local planning authorities should protect registered parks and gardens, both when preparing development plans and in determining planning applications. This extends not only to the integrity of the park itself but also to its wider setting. Policy CS42zb, therefore, seeks to ensure that the special character of such sites, together with their setting, is protected from inappropriate development.

### **Policy CS42zf – Historic Parks and Gardens**

The following historic parks and gardens, shown on the Proposals Map, will be protected from inappropriate development subject to Policy CS42zb:

- 1A. Birkenhead Park, Claughton
- 2A. Thornton Manor Gardens, Thornton Hough
- 3A. The Dell, The Diamond & The Causeway, Port Sunlight
- 4A. Flaybrick Memorial Gardens, Bidston

Wirral currently has four parks and gardens listed in the Historic England Register of Parks and Gardens of Special Historic Interest in England. The boundaries to these designations are shown on the Local Plan Proposals Map.

Birkenhead Park, opened in 1847, was the first public park to be established at public expense in the United Kingdom and was influential on the design of public parks both nationally and internationally. It was designed by Joseph Paxton and incorporates a number of innovative features. It is considered an outstanding example of Paxton's work and a landmark in the history of public parks. The Park is registered Grade I.

Thornton Manor Gardens falls within the exceptionally high category of historic interest required to merit Grade II\* status in the Register. The Gardens were designed by Thomas Hayton Mawson in collaboration with the industrialist and philanthropist William Hesketh Lever, later first Viscount Leverhulme and were the first in a series of three major private gardens produced by Mawson for Lord Leverhulme.

The principal public open spaces in Port Sunlight comprise part of a garden village laid out to the plans of William Hesketh Lever with the formal open spaces at The Diamond and The Causeway based on a 1910 competition design by Ernest Prestwich. The open spaces at The Dell, The Diamond and The Causeway are registered Grade II.

Flaybrick Memorial Gardens, registered Grade II, is a public cemetery opened in 1864 and extended in the late nineteenth and early twentieth centuries. It was the first municipal public cemetery in Wirral. The layout was designed by Edward Kemp and the buildings by Lucy & Littler. The cemetery contains a number of graves of architectural and historic interest including the family vault of the Laird family and the imposing canopied stone tomb of Sir William Jackson.

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