



Planning Committee

Date:	Tuesday, 25 August 2020
Time:	6.00 p.m.
Venue:	Virtual

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

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1. MINUTES (Pages 1 - 6)

To approve the accuracy of the minutes of the meeting held on 21 July 2020.

2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

3. APP/20/00246; 45-51 ST ALBANS ROAD, LISCARD, CH44 5XH - TO CHANGE USE TO MICRO BAR WITH ANCILLARY COFFEE SHOP WITHIN USE CLASS A4 (DRINKING ESTABLISHMENTS), INSTALL A NEW SHOPFRONT INCLUDING BI-FOLDING DOORS, AN A/C UNIT AND VENTS. (AMENDED DESCRIPTION) AMENDMENT TO PROPOSED HOURS OF OPERATION – SUNDAY TO THURSDAY 08:00 TO 22:00 HOURS AND FRIDAY TO SATURDAY 08:00 TO 23:00 HOURS (Pages 7 - 14)

4. APP/20/00353; 152 - 152A MILL LANE, LISCARD, CH44 3BN - TO CONVERT THE FIRST FLOOR TO OFFICES (WITHIN USE CLASS A2) IN ASSOCIATION WITH THE EXISTING OFFICE AT GROUND FLOOR WITH ASSOCIATED EXTERNAL CHANGES TO THE FRONT AND REAR ELEVATION INCLUDING RENDER, NEW WINDOWS, NEW SHOPFRONT, FRENCH DOORS TO REAR AND 2NO. AIR HANDLING UNITS TO THE REAR. *AMENDED DESCRIPTION, AMENDED PLANS RECEIVED* (Pages 15 - 22)

5. **APP/20/00883; 52-54 GREENHEYS ROAD, LISCARD, CH44 5UP - DEMOLITION OF EXISTING BUILDINGS ON SITE AND ERECTION OF AN INDEPENDENT LIVING SCHEME COMPRISING 53 UNITS, ALONG WITH ASSOCIATED CAR PARKING AND HARD AND SOFT LANDSCAPING (RESUBMISSION OF PLANNING APPLICATION APP/19/01575) *AMENDED LANDSCAPING PLAN INCLUDING INCREASE IN NUMBER OF REPLACEMENT TREES* (Pages 23 - 34)**

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PLANNING COMMITTEE

Tuesday, 21 July 2020

<u>Present:</u>	Councillor	S Kelly (Chair)	
	Councillors	S Foulkes K Hodson S Hayes G Davies S Frost B Kenny P Stuart	S Whittingham I Williams B Berry I Lewis M Jordan A Corkhill

138 MINUTES

The Director of Governance and Assurance submitted the minutes of the meeting held on 7 July 2020 for approval.

Resolved – That the minutes of the meeting held on 7 July 2020 be approved.

139 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 declare the nature of the interest.

No such declarations were made.

140 APP/20/00653 LAWNSWOOD, 39 QUARRY ROAD EAST, HESWALL, CH60 6RB ERECTION OF 9NO. APARTMENTS IN A SINGLE BLOCK TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING, BIN AND CYCLE STORAGE FOLLOWING DEMOLITION OF EXISTING DWELLING

The Corporate Director of Regeneration and Place submitted the above application for consideration.

The Lead Petitioner addressed the Committee

The Agent addressed the Committee

On a motion by Councillor S Foulkes and seconded by Councillor B Kenny it was:

Resolved (14:0) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14 March 2020 and listed as follows: OS location plan 817.01, existing and proposed block plans 817.02, proposed site plan 817.03, proposed ground floor plan 817.04, proposed first floor plan 817.05, proposed loft space plan 817.06, proposed front and side elevations 817.07, proposed rear and side elevations 817.08, proposed street scene elevations 817.09 and proposed front and side elevations with outline of existing 817.10

3. Notwithstanding the submitted plans, prior to any development above ground level approval of the following details shall be obtained from the local planning authority;

i. Samples or details of all facing materials including all new windows and doors

The stated details shall be approved in writing and such approved details shall be implemented in the development hereby approved in full

4. A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to features such as bat and bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

5. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

6. No works or development shall commence until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size,

species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification

If, within a period of 3 years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation

7. No tree felling, scrub clearance, hedgerow removal, vegetation management is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

8. In order to protect habitats of special local importance for nature conservation:

- 1) Construction work shall only take place between 8am and 6pm.
- 2) Any holes or trenches left open overnight must have a means of escape provided.
- 3) All construction materials, especially those containing lime, must be stored so that badgers cannot access them, and to the front of the house, not the rear.

9. No demolition works shall take place until the location of a 2F receptor bat box (or equivalent, such as NHBS Kent Bat Box) has been agreed in writing with the Local Planning Authority.

The installed bat box is to be utilised as a receptor roost should any bats need to be handled and translocated and shall not be removed until the completion of works.

10. Prior to demolition, the roof will be 'soft striped' under an ecological watching brief within favourable weather conditions and outside of the hibernation seasons of October - March.

A licensed bat ecologist will oversee removal of the roof. In the event of any bats being present they shall be removed and placed in a secure box with soft tissue and immediately transferred into the receptor bat box referred to in condition 9

11. Prior to occupation, a "lighting design strategy for biodiversity" for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for

example, for foraging;

And

(b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

12. Before development commences, a Site Waste Management Plan, confirming how demolition and construction waste will be recovered in relation to this phase and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

13. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

14. Prior to demolition or any site clearance, the silver birch referred to within the submitted Bat Survey (and referred to as T34 within the submitted particulars) shall be subject of a full endoscopic assessment to confirm the presence of roosting bats. If the bat surveys demonstrate that bats have colonised, the surveys shall include appropriate mitigation and/or proposals. The development shall thereafter be carried out in complete accordance with the approved survey(s)

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

16. PRIOR TO FIRST OCCUPATION of the dwellings hereby approved, full details of secure covered & lockable cycle parking and/or storage facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and

made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

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Planning Committee

25th August 2020

Reference:
APP/20/00246

Area Team:
Development
Management Team

Case Officer:
Miss G Escoffery

Ward:
Liscard

Location:
Proposal:

45-51 ST ALBANS ROAD, LISCARD, CH44 5XH
To change use to micro bar with ancillary coffee shop within use class A4 (Drinking Establishments), install a new shopfront including bi-folding doors, an A/C unit and vents. (Amended description) amendment to proposed hours of operation – Sunday to Thursday 08:00 to 22:00 hours and Friday to Saturday 08:00 to 23:00 hours

Applicant:
Agent:

Mr S G Lomas
N/A

Qualifying Petition:
Petition Number:

Yes
Number of signatures:
1 58
2 184

Site Plan:



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Development Plan designation:
Key Town Centre

Planning History:

Location: 45-51 St Albans Road, Liscard, Wirral, CH44 5XY
Application Type: Full Planning Permission
Proposal: Erection of a single storey extension to side.
Application No: APP/00/05667
Decision Date: 26/05/2000
Decision Type: Approve

Location: 45 St Albans Road, Liscard, L44 5XH
Application Type: Full Planning Permission
Proposal: Change of use to hot food take-away shop at the premises
Application No: APP/84/24808
Decision Date: 24/05/1984
Decision Type: Conditional Approval

Summary of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

2.1 REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications 39 notifications were sent to neighbouring properties. Following the first round of consultation 27 individual responses have been received objecting to the proposal, a petition consisting of 58 signatures and an e-petition (via www.change.org) consisting of 184 names in relation to the proposal.

The grounds of objection include:

1. Already affected by anti-social behaviour in the area particularly in the alley way to the rear of the site. This proposal will exacerbate the problem;
2. There are plenty of bars and late entertainment in the public bars already in Liscard;
3. The alley way to the rear of the application property is often used by drug users. Having a bar right next to the alley way, is not a good idea. Activities would just increase;
4. The alley way to the rear is always full of empty drinks and drug containers already from people at the nearby bars. This would increase the problems;
5. If alley gates were introduced at the alleyway, then it would help a lot with this problem;
6. It will lead to further late-night noise and disturbance which is already a problem in the area;
7. It will be overbearing and will lead to a loss of privacy;
8. It would have an adverse impact on the lives of local residents;
9. will lead to noise pollution;
10. Hard working people who need the rest, both night and day after shift work will not be able to enjoy our gardens as competing with the noise from a proposed bar would be unbearable. It will affect their mental health immensely;
11. Cecil Road already has a parking problem for just the residents parking their own vehicles;
12. Cars are already parked across kerbs, obstructing residents' access and damaging pathways. An accident may occur due to the drivers' obstructed view when manoeuvring out of the road. This congestion of vehicles in Cecil Road will only increase with another bar opening so close;
13. Risk of damage to the houses running along the back of 45-51 St. Alban's Road (Cecil Road);
14. From a Public Health perspective, another drinking establishment will not have any

positive impact on the local community or will add any social or economic value to the area

15. The proposal would be in close proximity to the school playground of St Alban's Primary School which raises concerns as it could lead to anti-social behaviour near to the school and there are enough places to purchase alcohol in the area;
16. The school and local residents would prefer it to remain as its current use which benefits more of the community;
17. Smells due to smoking and the impact on health;
18. In the current climate of social distancing and isolation, this will encourage large gatherings-not to mention distress to local residents. The lack of awareness and dismissive attitudes is causing this virus spread excessively. This proposal will exacerbate this virus and the impact on the community is potentially catastrophic

Following an amendment to the proposal a second round of consultation was carried out and 5 individual responses were received, setting out the following matters:

1. The lead petitioner objected on behalf of the residents of Cecil Road and the petitioners from the original petition. They still object to the proposal, regardless of the adjusted opening and closing times for the reasons previously stated;
2. There are already enough pubs in Liscard;
3. It is too close to a school;
4. Do not want anti-social behaviour at the rear of their house;
5. The hours of operation are unacceptable;
6. The bi-folding doors would encourage people to sit outside, obscuring the traffic lights and causing an obstruction;
7. It is a narrow thoroughfare that parents and children walk along on the way to and from school, possibly pushing prams and therefore being hindered by those patrons sitting outside;
8. It is not in line with Wirral's Harm Reduction Programme and other strategies;
9. There would be no restrictions on patrons smoking near to the school playground and the disposal of cigarette butts would be a concern;
10. Our children are entitled to be able to breathe the cleanest air possible and this would not be helping them. We need to consider our children's health and wellbeing.

2.2 CONSULTATIONS

Environmental Health - no objection but requests a condition regarding the closure of all windows and doors after 7 pm till 8am and whenever music is being played.

Highways - no objections

3.1 **Site and Surroundings**

- 3.1.1 The application site relates to a single storey detached property forming a vacant retail unit sited to the west side of St. Alban's Road, to the rear of NatWest Bank which is situated on the corner of Wallasey Road and St. Alban's Road. The application site sits within Liscard Key Town Centre as designated within the Wirral UDP, whilst it is bound to its south-west by a primarily residential area. To the opposite side of St Alban's Road is Dominic House, an office block. St. Alban's Catholic Primary School is approximately 30 metres from the application property situated on St. Alban's Road but accessed mainly from Ashburton Road. Residential accommodation is located to the upper floors of a property fronting on to Cecil Road. Sited immediately to the rear of the application site is an alleyway. Dwelling houses situated on Cecil Road back on to this alleyway. Cecil Road is designated as a Primarily Residential Area within the Wirral UDP. The applicant has commenced works.

3.2 **Proposed Development**

- 3.2.1 The application proposes to change the use of an existing retail unit to a micro bar with ancillary coffee shop within use class A4 (Drinking Establishments), install a new shopfront including bi-folding doors, an A/C unit and vents. The proposed hours of operation – Sunday to Thursday 08:00 to 22:00 hours and Friday to Saturday 08:00 to 23:00 hours

3.3 **Development Plan**

- 3.3.1 Policy SH1 - Criteria for Development in Key Town Centres

The proposed use of A4 use (drink establishments) is acceptable within a key town centre,

provided the proposal does not harm the neighbouring uses in terms of nuisance or harm the vitality or viability of the retail centre

3.3.2 Policy SH8 Criteria for Shop Fronts

Proposals which include provision for new shop fronts will be permitted if the benefits of the proposal outweigh the disadvantages when assessed against the following criteria:

(i) company colours, logos, and advertising should be designed and applied with reference to the character of the area, the building concerned and its neighbours;

(ii) in older shopping streets, existing traditional shop front features should be restored or replicated, where possible, using traditional materials and respecting the dimensions of the original;

(iii) security shutters should be partly or wholly of a perforated design and must be painted rather than left in a raw galvanised state - if possible, the shutter housing should be accommodated behind the fascia; and

(iv) all new-build shop fronts should be fully accessible by disabled people, with level shop fronts and wide doorways

3.4.1 **Other Material Planning Considerations**

3.4.1 DCLG published the National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate within this report.

3.4.2 National Planning Policy Frameworks (NPPF, 2019) Paragraph 85 indicate that Planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Restaurants, bars and pubs are identified as main town centre uses in NPPF Annex 2.

3.4.3 Paragraph 180 of the NPPF also requires planning decisions to ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

3.4.4 The Council's SPD on hot food takeaways, restaurants, cafes and drinking establishments (adopted October 2006) seeks to direct such uses to town centres, suburban centres and commercial areas as identified on the UDP proposals map. In order to protect residential amenity, it sets a minimum distance of 40 metres for the type of use proposed to be separated from the main elevation of a dwelling, or building used solely for self-contained flats, when measured along the public highway.

3.5 **Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of development;
- Vitality and viability;
- Design;
- Highways;
- Ecology;
- Amenity; and
- Other matters.

3.6 Principle of Development:

3.6.1 The site is located within Liscard Key Town Centre therefore, Policy SH1 of the UDP is

applicable. Policy SH1 permits town centre uses in this location including food and drink establishments subject to the criteria which provides protection for the amenity of the area and provides for controls in relation to noise and disturbance.

- 3.6.2 Supplementary guidance in SPD 3 states that proposals for drinking establishments will be directed to the Key Town Centres, Traditional Suburban Centres and Primarily Commercial Areas designated in the UDP. The principle has been established elsewhere within the centre and it is considered that the proposal could help the vitality and viability of the area. The proposal is considered acceptable, in principle, subject to other considerations such as highway safety and residential and general amenity.
- 3.6.3 A number of objections received as part of this planning application voice concern about the addition of another public house to an area already saturated by similar uses and to the detriment of the vitality of the town centre. The proposal would not only bring a vacant unit back into use, but it would introduce a use which is considered an appropriate town centre use and which would in turn positively contribute to the vitality and viability of the wider Liscard Key Town Centre. As such, the principle of the proposed development is considered acceptable subject to its compliance with Policy SH1 of Wirral's UDP and subject to its impact on the amenity of neighbouring properties and to the local highway network.
- 3.7 Vitality and Viability
- 3.7.1 This key town centre retains a variety of uses at ground floor level. It cannot be said that the proposal would lead to an over-concentration of such uses that would undermine the vitality or viability of the wider key town centre. The scale of the development would not affect trade in any key town centre within or outside of the Borough. As such the proposed use would not conflict with criterion (i) of saved UDP policy SH1 and has economic benefits through bringing a commercial unit, which has been vacant since January 2019 back into use. It will also lead to the creation of two full time jobs and one part time job.
- 3.8 Design:
- 3.8.1 The proposal includes the introduction of a new shopfront, including bi-folding doors and an A/C unit and vents to the side and rear elevations.
- 3.8.2 The introduction of a new shopfront, including bi-folding doors, is considered acceptable. The property at present has four shop windows and four doors into the property. The proposal would create just two doorways into the property at the front and a set of bi-folding doors. In relation to shop front design, there is no consistency in design in this location and therefore, the proposed design is considered acceptable. The design of the shopfront largely follows the form and proportions of other properties in the vicinity. The existing shopfront has a painted roller shutter which is remaining in place. This is considered acceptable. Policy SH8 requests that all new-build shop fronts should be fully accessible for all, the proposal includes level access into the building which is considered to be policy compliant. The shop front design is considered to meet the objectives of saved UDP policy SH8 and does not detract from the character and appearance of the area
- 3.8.3 The proposal includes other minor alterations to the external appearance of the property including the introduction of an A/C unit to the side elevation and a number of vents to the side, rear and front elevations. All of these alterations are considered acceptable as they will not harm the visual amenity of the application site or the surrounding area.
- 3.9 Highways:
- 3.9.1 It is acknowledged that there have been a number of objections received raising concerns about the proposal having an adverse impact on highway safety, leading to an increase in parking particularly on Cecil Road. Traffic and Transportation have raised no objections to the proposal, as they consider that it is unlikely to generate significant additional trips on the network when compared to the building's former use as retail shop. Servicing can be carried out from the adopted highway, observing the loading ban on St Albans Road which operates Monday - Friday between 8:00 - 9:30am and 4:30 - 6pm. In light of this, it is considered that the proposed use would not cause a highways safety concern to the highways network.

3.10 Ecology:

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

3.11 Amenity:

3.11.1 When submitted the applicant had included the following hours of operation within the application form, Monday to Friday 12:00 to 22:00 hours and 12:00 to 23:00 hours on Saturdays and Sundays. Since the submission of the application the applicant has confirmed that he wishes to operate the business from 08:00 to 22:00 hours Sunday to Thursday and from 08:00 to 23:00 hours on Fridays and Saturdays

3.11.2 There has been a substantial amount of opposition to the proposal in the form of petitions and individual responses. It is acknowledged that there are a number of residential properties close to the application property (located on Cecil Road) which may be affected to some degree by general activity associated with the use. However, it is considered that such activity is not unreasonable given the nature of the surrounding area, within a designated town centre. In this instance it is felt that the proposal would not exacerbate disturbance in the area or cause harm to residential amenity, particularly bearing in mind the size of the premises and their location on a busy road within a town centre.

3.11.3 Many of the objections received relate to the proposed late opening hours and the noise disturbance and anti-social behaviour which may occur as a result into the early hours of the morning. Although located within a Key Town Centre, the application site also bounds a Primarily Residential Area to its north-west. As such, in order to protect the amenity of nearby residents it is considered that the operating hours should be restricted by means of condition so that the business does not operate outside the hours of 08.00 to 22.00 hours on Sunday to Thursday and 08:00 to 23:00 hours on Friday and Saturday, thus limiting any undue or adverse impact on the amenity of neighbouring residential properties.

3.11.4 Environmental Protection have raised no objection to the proposed change of use to a drinking establishment (A4 Use Class). However, in order to prevent any potential late night noise and disturbance, a condition is to be attached to any planning permission to ensure that all doors and windows remain closed between the hours of 19:00 and 09:00 and whenever music is playing within the property. It is considered therefore that the proposal would not result in any significant harm to the amenity of residential neighbours and other sensitive land users and that the proposed development complies with the relevant criteria set out in Policy SH1 of the Wirral Unitary Development Plan.

3.11.5 The Council's SPD on hot food takeaways, restaurants, cafes and drinking establishments (adopted October 2006) seeks to direct such uses to town centres, suburban centres and commercial areas as identified on the UDP proposals map. In order to protect residential amenity, it sets a minimum distance of 40 metres for this type of use to be separated from the main elevation of a dwelling, or building used solely for self-contained flats, when measured along the public highway. At present this proposal accords with the SPD as it is over 40 metres from such a property. It is noted that there is an office block (Dominick House) across the road which has recently gained prior approval to convert from B1 offices to C3 residential. It is noted that the proposal would not accord with this section of the SPD but as this is a Key Town Centre location where the premises are separated by a busy main road and Environmental Protection subject to conditions have not raised any objections to the proposal the proposal is considered to be acceptable in this particular case after taking account of local circumstances.

3.11.6 The proposal includes an internal bin store area. In order to control the management of the waste it is considered that a condition should be attached to the permission to ensure that all waste generated by the use is stored within the designated area until the day of collection. Concerns have been raised by local residents that the proposal would lead to increased littering in the area, this is acknowledged but it is considered that there is no evidence to suggest that the proposal will increase the amount of littering in the area, it is considered that there are sufficient numbers of litter bins in the surrounding area to cope with any additional amounts of litter created by the proposal.

3.11.7 A number of objections received refer to existing anti-social behaviour issues within the area, particularly within the alleyway which is located to the rear of the application property

and the dwelling-houses situated on Cecil Road which back on to the application property. There have also been concerns about introducing a bar/pub near to a primary school and church. However, it is considered that there is no evidence to suggest that the proposal will increase anti-social behaviour in the area.

- 3.11.8 Having regard to the limited size of the use and proposed hours of operation for the site (which would be secured by condition) and its location within a key town centre, it is not considered that the proposed use would result in increased levels of disturbance or nuisance to a point that would be unduly detrimental to the amenity of nearby residents or be the source of anti-social behaviour. The proposal is considered to be in compliance with Policy SH1.
- 3.12 Other matters:
- 3.12.1 Development proposals for a building that the public will use should provide safe, easy and inclusive access for all people. This should include access to, into and within the building and its facilities. The proposal includes a level access into the building and also an accessible WC which is welcomed. However, the finer detail of their acceptability will be addressed via the building regulations process.
- 3.12.2 Concerns were raised that the applicant had been carrying out works during the lockdown period associated to the Covid 19 breakout. Any works that the applicant has carried out without planning permission is entirely at their own risk. With regards to works being carried out during the lockdown period, although this is not a planning matter, government guidance was formulated to allow that construction works could be carried out if in accordance with the suggested guidelines.
- 3.12.3 Concerns have been raised that the proposal will encourage smoking outside of the property which would affect the air quality near to a school. The concerns raised are acknowledged. However, it is considered that there is no evidence to suggest that this would lead to excessive smoking to an unacceptable degree within the vicinity.

Summary of Decision:

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

The proposed development is considered to be acceptable for these premises. The change of use would not significantly harm the vitality and viability of the key town centre and, subject to conditions will not have an adverse effect on residential amenity or the character of the area. There are no highway or access concerns with regard to the development and therefore the application complies with the relevant requirements of the development plan and comprises sustainable development.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 16th March 2020 and listed as follows:

DWG 1 (REV A) Existing Floor Plans
DWG 2 (REV A) Existing Elevations
DWG 3 (REV A) Proposed Elevations
DWG 4 (REV A) Proposed Floor Plans

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

3. The premises shall not be open to customers outside the following hours: -

08:00 and 22:00 Sunday to Thursday
08:00 and 23:00 Friday and Saturdays

Reason: To ensure that nearby occupiers are not adversely affected by the development.

4. In so far as this permission relates to the provision of an A4 use, all windows and doors of the premises shall remain in the closed position between 19:00 and 09:00 hours and whenever music is playing, other than use of doors for access to and from the premises.

Reason: To safeguard the amenity of nearby occupiers.

5. PRIOR TO FIRST USE of the business hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

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

Further Notes for Committee:

Last Comments By: 21/07/2020

Expiry Date: 11/05/2020

Planning Committee

25th August 2020

Reference:
APP/20/00353

Area Team:
Development
Management Team

Case Officer:
Miss G Escoffery

Ward:
Liscard

Location:

152 - 152A MILL LANE, LISCARD, CH44 3BN

Proposal:

To convert the first floor to offices (within use class A2) in association with the existing office at ground floor with associated external changes to the front and rear elevation including render, new windows, new shopfront, French doors to rear and 2no. air handling units to the rear. *Amended description, amended plans received*

Applicant:

Plant Hire Division

Agent:

N/A

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: 152A Mill Lane, Wallasey, Wirral, L44 3BN
Application Type: Full Planning Permission
Proposal: Change of use from flat to office accommodation.
Application No: APP/98/05844
Decision Date: 25/07/1998
Decision Type: Approve

Location: 152, Mill Lane, Liscard. L44 3BN
Application Type: Full Planning Permission
Proposal: Erection of a single storey rear extension.
Application No: APP/93/05750
Decision Date: 11/06/1993
Decision Type: Approve

Location: 152, Mill Lane, Liscard. L44 3BN
Application Type: Full Planning Permission
Proposal: Change of use from shop to offices and alterations to front elevation.
Application No: APP/91/06634
Decision Date: 20/09/1991
Decision Type: Approve

Summary of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS**2.1 REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications 31 notifications were sent to neighbouring properties. Following the first round of consultation 23 individual responses were received objecting to the proposal.

The grounds of objection include:

1. Works were commenced without planning permission;
2. Construction is leading to an excessive amount of noise and disturbance;
3. The use will lead to excessive noise, given the amount of people that will work at the site;
4. The use will lead to an increase in on-street car parking to the detriment of highway and pedestrian safety.;
5. There is already a car parking problem in the area, residents and their guests struggle to find a car parking space;
6. Expanding to 10 employees is excessive;
7. The builders have confirmed that no soundproofing will be installed, and they will work all day Saturday;
8. Due to the covid lockdown we are unable to escape the noise created by the works being carried out;
9. It will lead to an invasion of privacy;
10. the air conditioning units will lead to excessive noise;
11. Whilst the working hours are proposed as 09:00 to 17:00, there is no guarantee that the office could/would not be occupied outside of these times.

One response of support was received stating the following:

1. The proposal will not cause an issue;
2. There is not a parking problem in the area; and
3. children can cross safely as there is a crossing at either end of the road

Following an amendment to the proposal, a second round of consultation was carried out and 2 individual responses were received.

The grounds of objection include:

1. The amendment does not overcome the previous objections;
2. The applicant continues to carry out works without planning permission;
3. We have had constant building work starting every day at 8.00am throughout the lock down making it almost impossible to home school our two children;
4. They have also mounted 2 huge air conditioning units on the rear building. These are situated right next to my property and will cause constant noise when we are in the rear of the house or in our garden;
5. There has been no consideration for the local people during this lock down;
6. It is going to add more noise against our property as there will be no dividing walls stopping the noise of the telephones, talking and people and customers arriving and leaving;
7. We have also now got damage within our property with cracked walls and damage to plaster work due the excessive banging and restructure they are continuing to do which I will be looking for compensation to repairs;
8. They have been working 7 days a week since 6 March 2020 while we have had a lock down;
9. Did not think that offices could be put in a residential area; and
10. This is a busy area with all the children that come up and down this road. The residents will not be able to park as this road as there is already an issue at the moment

2.2 CONSULTATIONS

Environmental Health - no objection but request a condition regarding the need for sound insulation to the party wall and further details relating to the noise emitted from the air conditioning units

Highways - no objections

3.1 **Site and Surroundings**

3.1.1 The application sites relate to a two-storey mid-terraced property situated on the west side of Mill Lane, Liscard. The property currently operates as an office at ground floor level and a flat within the upper floor. The site is near to the corner of Mill Lane and Ingleby Road. The application site sits within an area that is designated as a Primarily Residential Area within the Wirral UDP. The block has been in transition from a small row of shops with the majority of premises now converted for ground floor residential use. 172 Mill Lane is one of the few remaining commercial premises in this particular area. To either side of the application property there are residential properties. To the opposite side of Mill Lane are semi-detached dwelling houses. Sited immediately to the rear of the application site is an alleyway accessed from Ingleby Road and Millbank Road. The applicant has commenced works.

3.2 **Proposed Development**

3.2.1 The application proposes to convert the first floor to offices (within use class A2) in association with the existing office at ground floor with associated external changes to the front and rear elevation including render, new windows, a new shopfront, French doors to rear and 2no. air handling units to the rear.

3.2.2 When originally submitted the proposal included the introduction of a dormer extension to the rear roof. Through the course of the application the applicant chose to omit the dormer

from the application.

3.3 Development Plan

3.3.1 Provision is made for Use Class A2 businesses in small shopping centres and parades subject to the criteria in UDP Policy SH4 and Policy HS15, although it should be acknowledged that most premises are now in residential use. Saved UDP Policy HS15 allows for small scale built development and changes of use for non-residential purposes within Primarily Residential Areas provided that the proposal would not:

- i) be of such scale to be inappropriate to surrounding development;
- ii) result in a detrimental change in the character of the area;
- iii) cause nuisance to neighbouring uses particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking and servicing requirements.

3.3.2 Policy SH8 Criteria for Shop Fronts - Proposals which include provision for new shop fronts will be permitted when the Local Planning Authority is satisfied that the benefits of the proposal outweigh the disadvantages when assessed against the following criteria:

(i) company colours, logos, and advertising should be designed and applied with reference to the character of the area, the building concerned and its neighbours;

(ii) in older shopping streets, existing traditional shop front features should be restored or replicated, where possible, using traditional materials and respecting the dimensions of the original;

(iii) security shutters should be partly or wholly of a perforated design and must be painted rather than left in a raw galvanised state - if possible, the shutter housing should be accommodated behind the fascia; and

(iv) all new-build shop fronts should be fully accessible by disabled people, with level shop fronts and wide doorways - when installing new shop fronts in existing buildings, opportunities should be taken to remove and reduce steps while taking into account the character of the building and the area.

3.4 Other Material Planning Considerations

3.4.1 MHCLG revised the National Planning Policy Framework (NPPF) in June 2019. The NPPF will be referred to as appropriate within this report.

3.4.2 National Planning Policy Frameworks (NPPF, 2019) Paragraph 80 advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account both local businesses needs and wider opportunities for development.

3.4.3 Paragraph 180 of the NPPF requires planning decisions to ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and quality of life.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of development
- Design;

- Highways and PROW;
- Ecology; and
- Amenity.

3.6 Principle of Development:

3.6.1 Small scale non-residential development is acceptable within the Primarily Residential Area subject to the provisions of saved UDP Policy HS15 and the assessment of other material planning considerations including the policies within the National Planning Policy Framework.

3.6.2 It should also be noted that a similar proposal to convert the upper floor of the premises into an office within use class A2 has previously been approved in 1998, albeit the relevant planning permission has lapsed.

3.7 Design:

3.7.1 The proposal includes various alterations to the external appearance of the property including the introduction of render, new windows, a new shopfront, French doors to rear and 2no. air handling units to the rear.

3.7.2 The introduction of a new shopfront is considered acceptable. The property at present has two shop windows and two doors into the property, the proposal would create just one doorway into the property at the front with windows. In relation to shop front design, there is no consistency in design in this location and therefore the proposed design is considered acceptable. The design of the shopfront largely follows the form and proportions of other properties in the vicinity. Policy SH8 requests that all new-build shop fronts should be fully accessible for all, the property has a raised finish floor level which has resulted in the need for a stepped entrance into the building. The proposal utilises an existing doorway into the property, the lack of level access into the property in this instance is not capable of resolution without considerable alteration to the fabric of the building. On this occasion it is considered that this arrangement is acceptable. The shop front design is considered to meet the objectives of saved UDP policy SH8 and does not detract from the character and appearance of the area

3.7.3 The proposal includes other alterations to the external appearance of the property including the introduction of new render to the front, two air handling units to the rear of the rear outrigger, French doors to the rear, and new windows to the front and rear. All of these alterations are considered acceptable as they will not harm the visual amenity of the application site or the surrounding area in accordance with Policy HS15.

3.8 Highways:

3.8.1 Traffic and Transportation have raised no objections to the proposal. The proposals are all contained within the private boundary to the dwelling and do not impact on the adopted highway. The proposed change of use and addition of office space to the upper floor of the property does not raise any highway safety or network capacity concerns.

3.8.2 It is acknowledged that there have been a significant number of objections received raising concerns about the proposal having an adverse impact on highway safety, leading to an increase in parking within the area. The Traffic and Transportation team have confirmed that there is unrestricted parking available in Mill Lane directly outside the building. This road has a sufficiently wide carriageway which allows vehicles to park kerbside without impacting on the through flow of traffic. The scale of the development proposals is considered unlikely to generate any significant uplift in traffic or parking demands within the area.

3.8.3 On balance it is considered that the proposal would be in accordance with Policy HS15 as any demand for car parking could be provided in the surrounding streets.

- 3.9 Ecology:
- 3.9.1 There are no Environmental/Sustainability issues relating to these proposals.
- 3.10 Amenity:
- 3.10.1 Within the submitted application form it states that the proposed office would operate Monday to Saturday 09:00 to 17:00 hours. It also states that there would be ten employees working from the premises. The applicant has confirmed that originally there were 3/4 members of staff working from the property when it was operating under the previous owner. The applicant has now made some redundancies and there will only be 5 members of staff, 2 part time.
- 3.10.2 There has been a substantial amount of opposition to the proposal in the form of individual responses. It is acknowledged that there are a number of residential properties close to the application property (located on Mill Lane, Ingleby Road, and Millbank Road) which may be affected to some degree by general activity associated with the use. However, it is considered that such activity is not unreasonable given the nature of the surrounding area. In this instance it is felt that the proposal would not exacerbate disturbance in the area or cause harm to residential amenity particularly bearing in mind the size of the premises and their location on a busy road.
- 3.10.3 Many of the objections received relate to noise and disturbance created by the commercial use. The application site is within a Primarily Residential Area as designated within the Wirral UDP. As such, in order to protect the amenity of nearby residents it is considered that the operating hours should be restricted by means of condition so that the business does not operate outside the hours of 09.00 to 17.00 hours Monday to Saturday thus limiting any undue or adverse impact on the amenity of neighbouring residential properties. Concerns have been raised by local residents that the business may operate outside of the proposed hours of operation. In the event that such operation is brought to the attention of the Planning Enforcement Team, it will give the opportunity for an investigation and the required action to be taken.
- 3.10.4 Environmental Protection have raised no objection to the proposed change of use and associated alterations subject to conditions. Concerns have been raised by local residents that the office would lead to excessive noise and disturbance, in order to prevent any potential noise and disturbance. Environmental Protection have requested that conditions be attached to any planning permission that a scheme of sound insulation to the party walls between the office areas and the adjacent houses is to be submitted to the Planning Authority for approval and the approved details installed before the operation commences. Also, concerns have been raised by local residents that the air handling units will result in noise. In the interest of residential amenity, Environmental Protection have requested a condition be attached to the permission to ensure that details of the noise rating or sound power level of the air handling units are submitted and approved in writing by the council.
- 3.10.5 It is considered therefore that the proposal would not result in any significant harm to the amenity of residential neighbours and other sensitive land users and that the proposed development complies with the relevant criteria set out in Policy HS15 of the Wirral Unitary Development Plan.
- 3.10.6 The original proposal included the introduction of a dormer to the rear roof, which has since been omitted from the proposal. A number of objections were received suggesting that the proposal would have an impact on their privacy. The proposal includes the replacement of the existing windows and the replacement of two windows to the rear elevation with French doors. It is considered that the proposal would not give rise to an increase of overlooking which is already experienced from the existing property, therefore it is considered to be acceptable.
- 3.10.7 Details of the waste storage and collection have not been provided within the submission. In order to control the management of the waste generated by the development it is considered that a condition should be attached to the permission to ensure that the required details of the storage and collection of all general and recyclable waste are

submitted to the council for approval.

- 3.10.8 Objections have been received raising concerns regarding noise and disturbance caused by construction works that have already taken place. It is acknowledged that a certain amount of noise is to be expected during times of construction. In the event that an unacceptable amount of noise is generated Environmental Protection have powers to intervene.
- 3.10.9 Bearing in mind the above, it is considered that the proposed hours of operation for the site would be acceptable in this residential location and would not increase the levels of disturbance or nuisance to a point that would be unduly detrimental to the amenity of nearby residents. The proposal is considered to be of such scale to be appropriate to the surrounding development and would not result in a detrimental change in the character of the area in accordance with Policy HS15
- 3.11 Other:
- 3.11.1 Concerns were raised that the applicant had been carrying out works during the lockdown period associated to the Covid 19 breakout. Any works that the applicant has carried out without planning permission are entirely at their own risk. With regards to works being carried out during the lockdown period, although this is not a planning matter, government guidance was formulated to allow that construction works could be carried out if in accordance with the suggested guidelines.
- 3.11.2 Through construction works an objector has stated that damage has occurred to their property in the form of cracks and damage to plaster work. Unfortunately, this is not a planning matter. It is a civil matter which should be addressed between the applicant and the objector.

Summary of Decision:

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

The proposed development is considered to be acceptable for these premises. The proposed use will not harm the character of the area, and subject to conditions will not have an adverse impact on residential amenity. There are no highway or access concerns with regard to the development and therefore the application complies with the relevant requirements of the development plan and comprises sustainable development.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 9th July 2020 and listed as follows:

ELEVS1 (Existing and Proposed Elevations)
EL1/PL1 (Existing and Proposed Ground Floor Plans)
EL2/PL2 (Existing and Proposed First Floor Plans)
LP1 (Location Plan)

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

3. The premises shall not be open for business outside the following hours: -

09:00 and 17:00 Monday to Saturday

Reason: To ensure that nearby occupiers are not adversely affected by the development.

4. Prior to the use commencing details of noise rating or sound power level of the air conditioning units (which should be readily available from manufacturer), should be submitted and approved in writing by the council. The applicant should then comply with any enclosure or screening deemed necessary by the Planning Authority in the light of those detail.

Reason: In the interest of residential amenity

5. Prior to the use commencing a scheme of sound insulation to the party walls between the office areas and the adjacent houses should be submitted to the Local Planning Authority for approval in writing before the works are finalised. The sound insulation shall be installed in accordance with the approved details before the use commences and shall be retained as such thereafter.

Reason: In the interest of residential amenity

6. (a) Details of the storage of waste/recycling bins and their collection arrangements, shall be submitted to and approved in writing by the Local Planning Authority. All waste materials generated by the development, whether to be discarded as refuse or recycled, shall be stored within the curtilage of the premises until the day it is due to be collected.

(b) The approved waste storage facility and collection arrangements shall be implemented in accordance with the approved details before the development is occupied/brought into use.

Reason: To safeguard amenity and maintain the quality of the street environment.

Further Notes for Committee:

Last Comments By: 31/07/2020

Expiry Date: 09/06/2020

Planning Committee

25th August 2020

Reference:
APP/20/00883

Area Team:
**Development
Management Team**

Case Officer:
Mr M Wood

Ward:
Liscard

Location:

52-54 GREENHEYS ROAD, LISCARD, CH44 5UP

Proposal:

Demolition of existing buildings on site and erection of an independent living scheme comprising 53 units, along with associated car parking and hard and soft landscaping (Resubmission of planning application APP/19/01575)

Amended Landscaping plan including increase in number of replacement trees

Applicant:

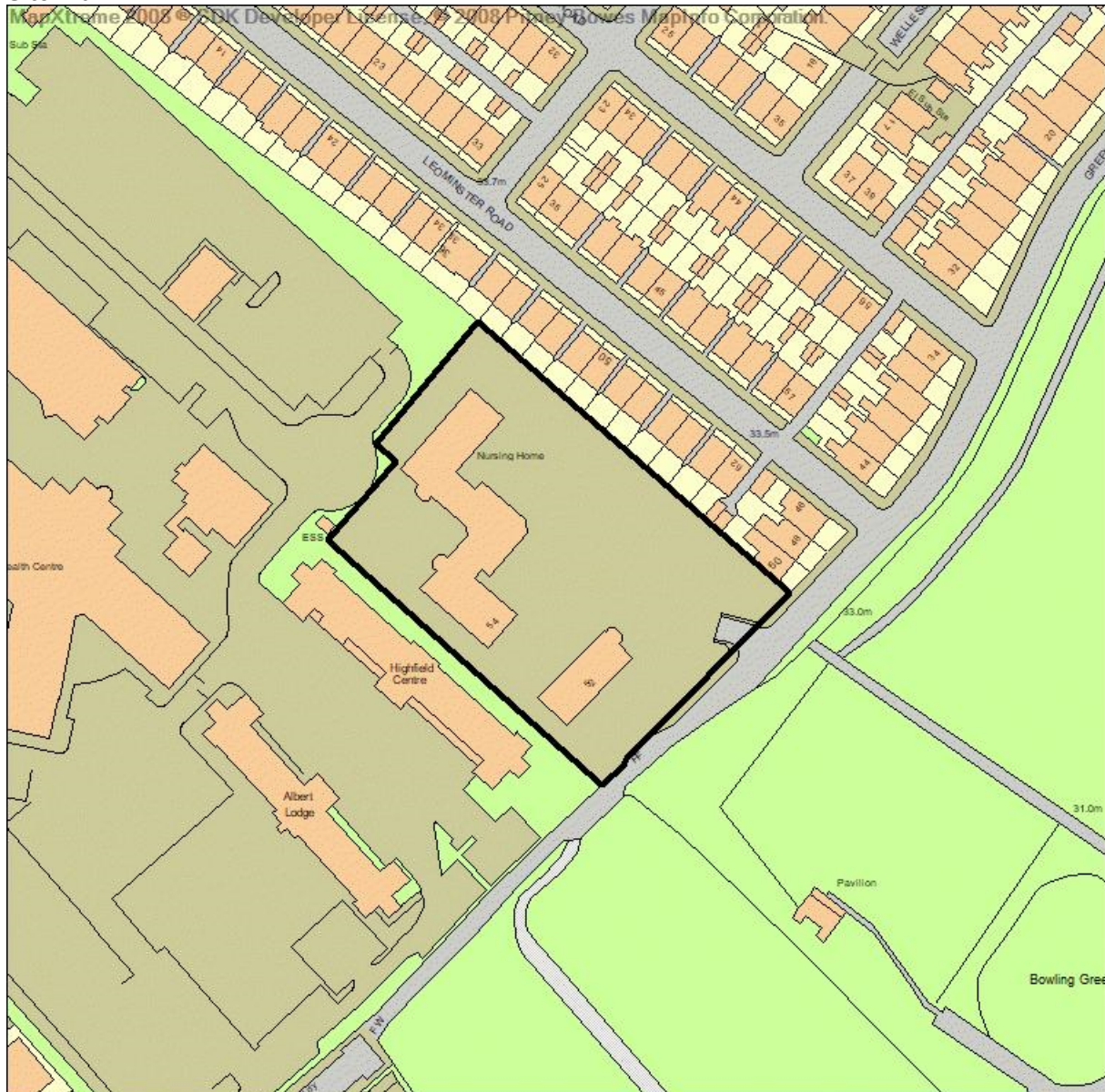
Anwyl Partnerships and NHS Property Services Ltd

Agent:

Hive Land and Planning

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: 52-54 GREENHEYS ROAD, LISCARD, CH44 5UP
Application Type: Full Planning Permission
Proposal: Demolition of existing buildings on site and erection of an independent living retirement scheme comprising 53 units, along with associated car parking and hard and soft landscaping.
Application No: APP/19/01575
Decision Date: 28/04/20
Decision Type: Refuse

Location: Victoria Central, Community Hospital, Mill Lane, Liscard, Wirral L44 5UF
Application Type: Full Planning Permission
Proposal: Erection of new gates.
Application No: APP/98/06721
Decision Date: 11/12/1998
Decision Type: Approve

Location: Sycamore Lodge, 54 Greenheys Road, Liscard, Wirral, L44 5UP
Application Type: Full Planning Permission
Proposal: Erection of a conservatory.
Application No: APP/98/05355
Decision Date: 01/05/1998
Decision Type: Approve

Summary of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

1.1 Taken out of delegation at the request of Councillor Spoor.

2.0 SUMMARY OF REPRESENTATIONS**2.1 REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, 3 representations have been received which consist of 3 objections summed up as follows:

1. Scale and massing of the proposal;
2. Increase of traffic volume, not enough car parking;
3. Overlooking; and
4. Loss of trees

2.2 CONSULTATIONS

Highways: No objection.

Merseyside Environmental Advisory Service: No objection subject to conditions.

Lead Local Flood Authority: No objection subject to conditions.

Environmental Health: No objection.

Housing Strategy: No objection subject to securing Affordable Housing commitment.

3.1 Reason for referral to Planning Committee

- 3.1.1 Application has been referred to Planning Committee at the request of Councillor Spoor and is a resubmission of APP/19/01575 that was refused at Planning Committee in April 2020.

3.2 Site and Surroundings

- 3.2.1 The application site is 0.52 hectares in size, situated in a Primarily Residential Area and contains two vacant single storey buildings that were formerly occupied as residential care homes. To the north and west of the site is the Victoria Central Hospital with two storey residential properties of Leominster Road to the east. Access is from the south boundary of the site from Greenheys Road
- 3.2.2 The site contains some well-established trees along the east and southern boundaries with boundary treatment a mix of walls and fencing. The existing buildings on site are single storey with hipped roofs with the primary building sitting toward the north of the site.

3.3 Proposed Development

- 3.3.1 The proposal is to create a part two, part three storey development containing 53 extra care units to provide supported accommodation with off-site 24-hour care. Additionally, there will be a hardstanding to provide car parking along with associated landscaping.

- 3.3.2 The application is a resubmission of the recently refused APP/19/01575 which was refused against officer recommendation for the following reason:

The proposal has failed to adequately take into account the TPO order (No 169) and therefore does not comply with Policy HS4 - Criteria for New Housing Development (as referenced by HS7 – Sheltered Housing Policy). Specifically, the requirements of paragraph (ii) in that the proposal would result in a detrimental change to the character of the area by virtue of the loss of TPO protected trees, and paragraph (iv) in that there is inadequate provision of appropriate landscaping and boundary treatment which relates the development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation i.e. the TPO protected trees.

- 3.3.3 The main mass of the building will be 3 storeys and be of red and dark grey masonry appearance. The main focus of outlook provision will be provided looking west with balconies on this particular elevation of the development. The components of the building are 45 no. 1-bedroom units and 8 no. 2-bedroom units.

3.4 Development Plan

- 3.4.1 Wirral Unitary Development Plan (UDP) Policies

Policy HS4: Criteria for New Housing Development

Policy HSG2: Affordable Housing

Policy HS6: Principles for Affordable Housing

Policy HS7: Sheltered Housing Policy

Policy GR7: Trees and New Development

Policy NC7: Species Protection Policy

Policy TR9: Requirements for Off Street Parking

Policy TR12: Requirements for Cycle Parking

Policy WA2: Development and Land Drainage

- 3.4.2 Joint Waste Local Plan for Merseyside and Halton

Policy WM8: Waste Prevention and Resource Management

Policy WM9: Sustainable Waste Management Design and Layout for New Development

- 3.4.3 SPD4 - Parking Standards

3.5 Other Material Planning Considerations

- 3.5.1 The National Planning Policy Framework 2018 (NPPF)

Section 2: Achieving sustainable development

Section 4: Decision Making

Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment

3.6 Assessment

3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways and PROW;
- Ecology; and
- Amenity

3.7 Principle of Development:

3.7.1 The site is a vacant care home and associated land which is designated as part of a Primarily Residential Area in Wirral's Unitary Development Plan (UDP) where the erection of residential development is acceptable in principle subject to compliance with the above policies of the UDP.

3.7.2 Paragraph 117 of Part 11 of the revised National Planning Policy Framework (NPPF) states that planning decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. NPPF paragraph 118 states that planning decision should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. NPPF paragraph 124 also makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

3.7.3 Guidance for self-contained apartments is set out on Supplementary Planning Document SPD2, which indicates the main objective of local planning policy, consistent with national policy, is to ensure that new development relates well with surrounding property and to ensure that there is no detrimental change to the character of the area.

3.7.4 With regard to Affordable Housing the description of development coupled with the submission of a Planning Statement and Affordable Housing Statement detailing Magenta Homes agreement to take on the scheme and let all units at an affordable rate is consistent with the objectives of Policy HSG2 and Policy CS22 in the emerging Local Plan. The scheme will therefore be 100% affordable.

3.8 Design:

3.8.1 The proposal incorporates a main linear 3 storey block with shorter returns at the northern and southern ends. The layout has been primarily influenced by the existing trees upon the site and effectively the footprint of the building sits like a jigsaw piece upon the site in order to maximise safeguarding of mature trees upon the site. The access provision will be achieved from Greenheys Road and the site is served by parking to accommodate 25 off-street parking bays.

3.8.1 The materials proposed in the external appearance will be a mix of red and dark grey brick, with soldier courses to window heads. There will be enclosed balconies with a natural rendered finish which will offer a contrast and provide visual interest. The building will be served by aluminium windows a number of which will be large and provide good outlook for future occupiers. A key design feature is the legibility of the site with the entrance offering a distinctive focal point which contrasts from the main massing of the building. The use of glazing and contrasting masonry adheres to good design principles and again adds visual

interest to the proposal overall.

- 3.8.3 Given the established building lines and site context the scale and massing of the proposal is considered acceptable. It would create residential properties of a density conducive to housing delivery on previously developed land which accords with the principles of both HS4 of the UDP and similarly sections 5 and 11 of NPPF 2018.

3.9 Highways:

- 3.9.1 Having considered the proposal Engineers have concluded that the development includes a level of parking provision (25 spaces) that is deemed acceptable. A lack of tactile paving at the entrance point had also been raised as a concern. However, this particular point has now been addressed by means of a revised site plan. Overall, the site is considered well connected and given the likely lower car ownership associated with assisted living then the proposal is deemed acceptable in this regard.

3.10 Ecology:

- 3.10.1 The application has been assessed by MEAS who are satisfied that investigative work has taken place by the applicants appointed Ecologist which has concluded that there is limited evidence of existing bat roost on site. Moving toward the issue of recreational pressure MEAS have carried out a Habitats Regulation Assessment which concludes that with mitigation measures there will be no adverse impact on the integrity of European sites.

3.11 Amenity:

- 3.11.1 Ensuring amenity standards for new residential developments are set out within Policies HS4 of the Wirral Unitary Development Plan. This requires proposals to incorporate adequate private or communal garden space for each new dwelling. Adequate distances should be kept between habitable rooms in separate flats and blank gables whilst also ensuring overlooking of adjoining properties is avoided.

- 3.11.2 Taking into account the proposed position of the scheme, the existing position of the established surrounding properties and factoring in the relationship and orientation of the development and surrounding buildings then the proposal is considered acceptable in terms of impact upon amenity. The interface distances between the proposal and nearest residential dwelling is in the main 26 metres. This distance drops to 18 metres on the small two storey element to the northern part of the site. However, this is mitigated as there will be no habitable windows directly fronting existing residential dwellings. This part of the proposal will be significantly screened by tree coverage and as a result the two closest affected properties (46 & 48 Leominster Road) are considered to have an acceptable level of impact in this regard.

- 3.11.3 Moving to the western boundary of the site which adjoins Victoria Central Hospital there is an ancillary building providing mental health support services in connection with the hospital. This building is single storey and has a hipped roof and is almost fully screened by trees and planting along this boundary fronting the proposed development. Given this fact and also taking into account the interface of 28 metres to the proposed habitable room windows in the development, there is considered to be no adverse impact upon amenity for future occupiers of the development.

- 3.11.4 The proposal also includes private amenity space, partially enveloped by the footprint of the building. This will provide adequate outlook for future occupiers of the development as well as meeting criterion (vii) of policy HS4.

3.12 Trees and Landscaping

- 3.12.1 Although no individual trees are protected, the site is covered by a blanket TPO and the proposal includes the removal of thirty trees. It is important to highlight however that all but seven are of low quality with the remainder being of moderate quality. The footprint of the building has been carefully designed to minimise tree loss. The re-submission contains a further revised site plan that provides for one for one replanting across the site ensuring no net loss of trees. This re-submission provides for an additional 13 trees compared to the original (refused) submission and now ensures compliance with Policies GR7 and HS4.

3.13 Drainage

- 3.13.1 The proposal is supported by a Proposed Drainage Strategy which is deemed acceptable by the LLFA subject to submission of final sustainable design to be agreed and dealt with by suitable condition.

Summary of Decision:

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

The proposed development would provide 53 no. affordable extra care apartments and associated facilities. The application site constitutes previously developed land that falls within the Primarily Residential Area and was last occupied by a Use Class C2 use. The proposed development provides an appropriate level of design quality and visual interest, and would be of a layout, scale and mass that would respect the existing residential context and neighbours. It can deliver biodiversity enhancements and would not have any adverse impacts in relation to flood risk and drainage, ground conditions or waste management. The proposed development would bring social and economic benefits and, whilst objections have been received which have been carefully considered and taken into consideration There are no material considerations which would significantly and demonstrably outweigh the benefits of the scheme. The application is considered to be acceptable with the terms of local and national policy. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following plans and supporting document received on 6 July 2020 (unless specified):

PL003A Site Plan
PL004, Ground floor plan
PL005, First Floor plan
PL006, Second floor plan
PL007, Proposed elevations
PL008, Proposed elevations
PL009, Proposed site elevation and section
PL011. Unit plans
D&A STATEMENT REV B

Ecological Survey Summary
Landscape Layout – 3477/101 Revision D
Hydrock Drainage Strategy
Vectos – Swept Path Analysis – Ambulance – VN81194-TR101

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

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

Reason: This information is required prior to the commencement of development to ensure that the development has a satisfactory appearance in the street scene and to avoid unacceptable overlooking of neighbouring properties having regard to Policy HS7 of the Wirral Unitary Development Plan and Section 12 of the National Planning Policy Framework.

4. Prior to any works above ground floor level taking place, details of the facing/roofing/windows and door materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: This information is required prior to the commencement of development to ensure that the development achieves a satisfactory appearance in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan and Section 12 of the National Planning Policy Framework.

5. Before the development hereby approved is first commenced, a scheme for the protection and enhancement of biodiversity within the development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:

- A bat box that shall be installed on a suitably mature tree or on the extra care building;
- Bird nesting boxes (indicating the number, type and location on an appropriately scaled plan);
- An external lighting scheme that protects ecology and does not result in excessive light spill onto habitats; and;
- A timetable for the implementation of the biodiversity protection and enhancement.

The scheme shall thereafter be implemented in full accordance with the approved details and timetable.

Reason: This information is required prior to the commencement of development to ensure that biodiversity protection and enhancements are secured as required by Wirral Unitary Development Plan Policy NC7 and Section 15 of the National Planning Policy Framework.

6. No tree felling, scrub clearance or hedgerow removal is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted and approved prior to the commencement of such works.

Reason: To protect birds during their breeding season and to comply with Policy NC7 of the Wirral Unitary Development Plan.

7. The development is hereby approved shall be carried out in accordance with the submitted Landscaping Plan dwg no. 101 Rev B received electronically on 19 February 2020.

All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the soonest. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

Reason: In order that landscaping works contribute to a satisfactory standard of completed development and its long-term appearance harmonises with surrounding development in accordance with Policy HS4 of the Wirral Unitary Development Plan and Section 12 of the National Planning Policy Framework.

8. Construction of the development authorised by this permission shall not begin until the Local Planning Authority has approved in writing a full scheme of works for the construction of the new vehicle access from the highway and any amendments to the existing highway made necessary by this development, including details of the new vehicle access in accordance with Local Planning Authority's commercial crossing specifications, tactile paved pedestrian crossing to the junctions of Leominster Rd/Greenheys Rd and Love Lane/Oxton Rd, details of a new Traffic Regulation Order and any necessary amendments to the footway. The approved works shall be completed in accordance with the Local Planning Authority's written approval and prior to occupation of the development.

Reason: To ensure the safety of pedestrians is secured prior to residential occupancy of the development and in the wider interests of highway safety having regard to Policy HS4 of the Wirral Unitary Development Plan.

9. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection. The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

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

- a. No fires to be lit within 20 metres of existing trees and shrubs to be retained.
- b. Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
- c. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- d. No builder's debris or other materials to be stored within the Root Protection Areas.
- e. No mixing of cement, associate additives, chemicals, fuels, tar and other oil-based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be used and located not within 10 metres of any

Root Protection

- f. No alterations or variations to the approved works or tree protection scheme shall be carried out without the prior written approval of the Local Planning Authority.
- g. No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

Arboricultural Method Statement: The development should be carried out strictly in accordance with the approved Arboricultural Method Statement received.

Reason: To protect all trees worthy of retention in order that landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with surrounding development in accordance with Policy HS4 of the Wirral Unitary Development Plan and Section 12 of the National Planning Policy Framework.

10. Prior to the commencement of site clearance, demolition, storage of plant, materials, machinery, including the siting of site huts and WCs a pre-commencement site meeting shall be held and attended by the site manager, the demolition contractor, the arboricultural consultant and a representative from the local planning authority to discuss all the details of the tree protection measures as specified and any other site operations that have implications for trees. At this time, it shall be agreed the intervals at which the arboricultural consultant shall carry out subsequent site visits to sign off installation of tree protection measures and supervise sensitive operations in relation to trees. It is the responsibility of the site foreman to inform all employees, contractors and sub-contractors visiting and or working on the site of the details specified and to raise the importance of the tree protection measures so as to avoid causing damage to retained trees.

Tree works: All tree pruning, and felling associated with site handover shall be carried out as the first operation on site, in accordance with the specification in any Tree Tables. Work shall comply with BS3998:1989 Recommendations for Tree Work and current Best Practice.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of the tree protection during construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure the appropriate retention and protection of suitable trees for applications which involve complex tree issues in accordance with policies GR7 of the adopted UDP

11. Foul and surface water shall be drained on separate systems.

Reason: To secure appropriate drainage and to manage the risk of flooding and pollution in accordance with Policy WA5 of the Wirral Unitary Development Plan and Section 14 of the National Planning Policy Framework.

12. The affordable housing shall be provided within the development in accordance with the submitted Affordable Housing Statement submitted and prepared by Hive Land and Planning as part of an overarching Planning Statement received electronically by the Local Planning Authority on 26th February 2020.

Reason: To secure satisfactory affordable housing provision within the development in accordance with Policy HSG2 of the Wirral Unitary Development Plan and Section 5 and Annex 2 of the National Planning Policy Framework.

13. Before the development hereby approved is first commenced, a Construction and Environmental Management Plan (CEMP), which shall also include a Site Waste Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to for the duration of the construction of the development.

Reason: To maintain the operation of the local and strategic highway networks and to protect the amenities of neighbouring residents in accordance with Policy HS4 of the Wirral Unitary Development Plan and Sections 9 and 12 of the National Planning Policy Framework.

14. No residential development shall commence until the final detailed sustainable drainage design, for the management and disposal of surface water from the site based on the principles and details identified in the following documents has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Sycamore Lodge, Greenheys Road, Wallasey – Drainage Strategy (24-02-20/ Ref: SLW-HYD-XX-XX-DR-C-0600/ rev: P02/ Hydrock)
- Email titled: “RE: Initial Consultation for Application App/19/01575” (including attachments)
From: Richard Baker (RichardBaker@hydrock.com)
To: Regen-LLFA (LLFA@wirral.gov.uk)
Email sent 24 February 2020 13:45

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems.

15. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. ‘As built’ drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems.

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

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

17. PRIOR TO FIRST OCCUPATION of the dwellings hereby approved, full details of secure covered & lockable cycle parking and/or storage facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

Further Notes for Committee:

1. Informative
In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary vehicle access works in accordance with concrete commercial crossing specifications, new footways, new TRO's to provide protection to new entrance in Greenheys Rd, road markings, dropped tactile pedestrian paved crossings to the junctions of Leominster Rd/Greenheys Rd, Love Lane/Oxton Rd and at new vehicle access off Greenheys Rd.

2. Maintenance of SuDS
The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development.

It is the advice of the LLFA that the maintenance arrangements capable of **ensuring** an acceptable standard of operation for the lifetime of the development, to satisfy paragraph 165 of the NPPF, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance/replacement of all communal components of the system as per the approved Operation and Maintenance Plan.

The proposed drainage strategy includes communal storage components that will NOT be adopted by United Utilities. The Local Planning Authority should be satisfied that maintenance of all communal components has been secured in perpetuity via an appropriate mechanism / agreement.

Last Comments By: 11/08/2020
Expiry Date: 05/10/2020

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