



## Planning Committee

<b>Date:</b>	<b>Thursday, 14 January 2021</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Microsoft Teams</b>

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

**Contact Officer:** Anne Beauchamp  
**e-mail:** [annebeauchamp@wirral.gov.uk](mailto:annebeauchamp@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

**1. MINUTES (Pages 1 - 6)**

To approve the accuracy of the minutes of the meeting held on 17 December 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/19/01177: WILLOWBANK, 33 OLDFIELD ROAD, HESWALL, CH60 6SN - ERECTION OF THREE 5-BEDROOM DETACHED DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. (Pages 7 - 24)**

**4. APP/20/00720: TEVIOT BANK, 6 COTTAGE LANE, GAYTON, CH60 8PB - DEMOLITION OF EXISTING DWELLING AND ERECTION OF BUILDING CONTAINING 8 NO. APARTMENTS, WITH ASSOCIATED LANDSCAPING, PARKING, BIKE STORE AND BIN STORE (Pages 25 - 34)**

**5. APP/20/01065: LAND TO THE REAR OF 9 & 10 COPSE GROVE, IRBY, CH61 4YP - ERECTION OF 2 NO DETACHED HOUSES WITH ASSOCIATED FREE-STANDING GARAGE (Pages 35 - 44)**

**6. APP/20/01435: MILL HOUSE, BLAKELEY ROAD, RABY MERE, CH63 0LZ - ALTERATIONS TO EXISTING BOUNDARY FENCING AND ENTRANCE GATES. (Pages 45 - 56)**

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## PLANNING COMMITTEE

Thursday, 17 December 2020

Present:

Councillor	S Kelly (Chair)	
Councillors	S Foulkes	P Stuart
	K Hodson	M Jordan
	G Davies	A Wright
	S Frost	A Gardner
	B Kenny	

### 15 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 12 November 2020 for approval.

**Resolved – That the minutes of the meeting held on 12 November 2020 be approved.**

### 16 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 them and state the nature of the interest.

The Members of the Labour party declared a personal interest in item 4 – APP/20/01151: 41 Albion Street, New Brighton – by virtue of the lead petitioner being known to them (minute 18 refers).

### 17 APP/20/00467:11 BUFFS LANE, BARNSTON, CH60 2SQ - DEVELOPMENT OF 3 DETACHED 4-BEDROOM HOUSES TO REAR OF PROPERTY

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

The Lead Petitioner addressed the Committee

**It was moved by the Chair and seconded by Councillor B Kenny that the application be approved subject to the following conditions.**

**The motion was put and carried (9:0). Councillor G Davies lost connection during consideration of this matter and therefore (having regard to the LLG Remote Meetings Protocol and Procedure Rules) took no part in the decision and was unable to vote on this matter as he had not heard all the facts.**

**Resolved (9:0) – That the application be approved with 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 24/3/20 (unless otherwise stated) and listed as follows:**

**BLH/PL01 - LOCATION PLAN REV A received electronically 4/12/20**

**BLH/PL02 - PLANNING LAYOUT REV D received electronically 4/12/20**

**BLH/PL03 - STREET SCENE**

**BLH/HT/P1-01 PLOT 1 FLOOR PLANS**

**BLH/HT/P1-02 PLOT 1 ELEVATIONS**

**BLH/HT/P2-01 PLOT 2 FLOOR PLANS**

**BLH/HT/P2-02 PLOT 2 ELEVATIONS**

**BLH/HT/P3-01 PLOT 3 FLOOR PLANS**

**BLH/HT/P3-02 PLOT 3 ELEVATIONS**

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

**4. No construction equipment, plant or materials shall be brought onto site until:**

**i) A tree protection plan and specification has been submitted to and approved in writing by the Local Planning Authority demonstrating the provision of root protection area fencing in line with the requirements of British Standard 5837:2012 'Trees in Relation to Construction - Recommendations' or any subsequent amendment to that document, around all trees, hedges, shrubs or other planting to be retained; the provision of ground protection during construction; and a location plan and method statement for the installation of any 'no-dig' surfacing for the vehicular access parking and turning areas; and**

**ii) The Root Protection Area fencing and ground protection has been installed in accordance with the approved plan and specification.**

**Thereafter development shall be carried out in accordance with the approved details and the fencing and ground protection shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification.**

**5. The dwellings hereby permitted shall not be occupied until a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a plan and specification and demonstrate:**

**i) The materials to be used for hard and soft surfacing;**

**ii) Compensatory tree planting to replace those specimens removed as part of the**

- development to include the location, number, species and size of trees to be planted;
- iii) Any earthworks required;
  - iv) The location and design of fences, gates, walls, railings or other means of enclosure; and
  - v) The timing of implementation of the scheme.

Thereafter development shall be carried out as approved.

6. If, within a period of five years from the date of planting of any tree under the landscaping scheme approved by condition, that 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 species and size as that originally planted shall be planted in the same place unless the Local Planning Authority agrees to any variation.

7. No vegetation removal shall take place within the main bird nesting season (1st March to 31st August inclusive) until a pre-commencement check is carried out by a qualified ecologist no earlier than 48 hours before works take place and the qualified ecologist confirms in writing to the Local Planning Authority that no actively nesting birds will be affected by the works.

8. No treatment or removal of *Rhododendron R. ponticum* or Variegated Yellow Archangel (both listed as 'invasive' within Schedule 9 of Part 2 of the Wildlife and Countryside Act 1981) shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

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

Thereafter the works shall be carried out as approved.

9. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be adhered to throughout the construction period. The plan shall provide for the following:

- i) Location(s) for the parking of vehicles of site operatives and visitors;
- ii) Location(s) for the loading and unloading of plant and materials;
- iii) Location(s) for the storage of plant and materials used in construction of the development;
- iv) Measures to control the emission of noise, vibration and dust during construction;
- v) Construction phase delivery and working hours not to exceed 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturday and not at all on Sunday or public

holidays.

10. The site shall be developed with separate systems of drainage for foul and surface water.

11. The dwellings hereby permitted shall not be occupied until details of the provision to be made for bat roosting and bird nesting on the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out as approved.

12. Prior to first occupation of the use 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.

13. Before any above ground construction work is commenced details of the proposed finished floor levels and the ridge and eaves heights of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels and the eaves and ridge heights of surrounding properties. The development shall be carried out as approved.

18 **APP/20/01151: 41 ALBION STREET, NEW BRIGHTON, CH45 9LE - CHANGE OF USE OF GUEST HOUSE (USE CLASS C1) TO 12-BEDROOM LARGE HOUSE IN MULTIPLE OCCUPATION (HMO) (USE CLASS SUI GENERIS)**

The Labour Councillors on the Committee declared a personal interest in this matter (minute 16 refers).

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

The Lead Petitioner addressed the Committee.

A Ward Councillor addressed the Committee.

**It was moved by the Chair and seconded by Councillor K Hodson that the application be approved subject to the following conditions.**

**The motion was put and carried (10:0).**

**Resolved (10:0) – That the application be approved with the following conditions:**

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

**2. Unless modified by other conditions of this consent, the development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 24 August 2020 and listed as follows:**

**5408-1 (Floor Plans and Elevations as Existing)**

**5408-2 (Floor Plans as Proposed)**

**5408-03 (Kitchen Layout Plans as Proposed)**

**3. Prior to the development hereby permitted being first brought into use, 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.**

**4. Prior to first occupation of the use 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 and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.**

**5. Prior to the development hereby permitted being first occupied, the existing external fire escape stair to the east side elevation of the building (as shown on drawing 5408-1) shall be removed and hard surfaced, level access provided between the public highway and the cycle and bin storage areas to the rear of the building.**

**6. The house in multiple occupation hereby permitted shall not be occupied by more than twelve people.**

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# Agenda Item 3

**Planning Committee**

**14 January 2021**

**Reference:**  
**APP/19/01177**

**Area Team:**  
**Development**  
**Management Team**

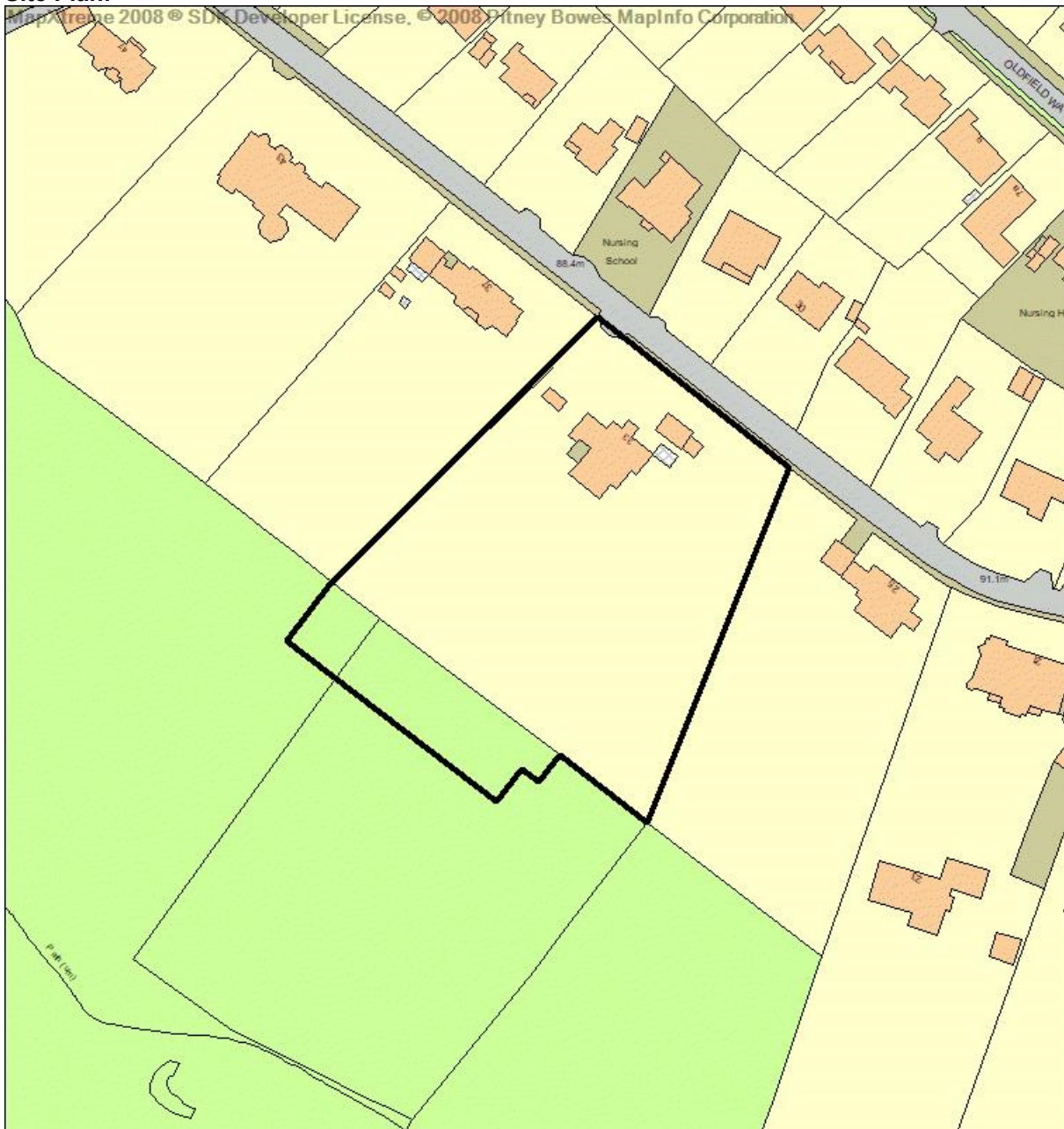
**Case Officer:**  
**Mr A Siddall**

**Ward:**  
**Heswall**

**Location:** Willowbank, 33 OLDFIELD ROAD, HESWALL, CH60 6SN  
**Proposal:** Erection of three 5-bedroom detached dwellings with associated access, parking and landscaping.  
**Applicant:** Mr & Mrs Bates  
**Agent:** SHACK Architecture Ltd

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Area of Special Landscape Value  
Urban Greenspace  
Primarily Residential Area  
Site of National Importance for Nature Conservation

**Planning History:**

Location: Sheildaig, 33 Oldfield Road, Heswall, Wirral, CH60 6SN  
Application Type: Full Planning Permission  
Proposal: Erection of a two-storey extension.  
Application No: APP/99/05911  
Decision Date: 15/07/1999  
Decision Type: Approve

Location: Sheildaig, Oldfield Road, Heswall. L60 6SN  
Application Type: Full Planning Permission  
Proposal: Side extension at first floor and alterations to front elevation.  
Application No: APP/94/06724  
Decision Date: 05/01/1995  
Decision Type: Approve

Location: Sheildaig, 33 Oldfield Road, Heswall, Wirral, L60 6SN  
Application Type: Full Planning Permission  
Proposal: Erection of two storey and first floor side extensions and front alterations.  
Application No: APP/97/06465  
Decision Date: 04/11/1997  
Decision Type: Approve

Location: Sheildaig, 33 Oldfield Road, Heswall, Wirral, CH60 6SN  
Application Type: Full Planning Permission  
Proposal: Two storey outbuilding incorporating double garage, garden stores, greenhouse and dog kennel.  
Application No: APP/00/05158  
Decision Date: 07/03/2000  
Decision Type: Approve

Location: Willowbank, 33 Oldfield Road, Heswall, Wirral, CH60 6SN  
Application Type: Full Planning Permission  
Proposal: Erection of a detached building at the front to provide guest accommodation.  
Application No: APP/02/05966  
Decision Date: 26/02/2003  
Decision Type: Approve

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

- 1.1 Councillor Les Rowlands requests that this application be taken out of delegation and reported to Planning Committee, citing concerns around the impact of the development on the Heswall Dales, in particular the visual impact on the Dales and conflict with its status as an Area of Special Landscape Value under saved Unitary Development Plan policies HS4, LAN1 and LA1.

**2.0 SUMMARY OF REPRESENTATIONS**

Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to seven neighbouring properties on 12 August 2019. The deadline for receipt of representations passed on 02 September 2019. Following submission of information relating to the interface of development with the SSSI and the habitat restoration proposals a further round of public and stakeholder consultation was initiated in

October 2020 with the deadline for responses passing on 01 November 2020.

## 2.1 REPRESENTATIONS

To the first period of public consultation, two individual letters of objection were received, along with an objection received from the Heswall Society. The individual objections cite the following material planning considerations:

1. The scheme represents overdevelopment of the plot and results in a detrimental change in the character of Oldfield Road;
2. The scheme does not provide enough car parking commensurate with the scale of the houses;
3. Construction vehicles will obstruct Oldfield Road to the detriment of highway and pedestrian safety;
4. Development would be harmful to the visual amenity, and biodiversity value of the Heswall Dales;
5. The application was not adequately publicised;
6. There is a lack of detail on the potential disruption caused by construction, the drainage and sewerage proposals, the landscaping of the site and the visual appearance of the alterations to the stone wall adjacent Oldfield Drive.

**The Heswall Society** objects on the basis that the development would be visually prominent from the Heswall Dales with no other dwellings sited so close to the boundary. This would be harmful to visual amenity and reduce the sense of isolation when within the Dales. The submission of a landscape and visual impact appraisal from within the Dales does not overcome these concerns.

To the second period of public consultation a further individual objection was submitted along with further objections from the Heswall Society and the Friends of Heswall Dales. The comments raised can be summarised as follows:

1. Development encroaches into the Heswall Dales SSSI and is not in the interests of protection of the habitat within the SSSI. All development, including gardens, should be located wholly outside the SSSI boundary,
2. It is not appropriate, nor practical, for domestic gardens to be considered part of the SSSI buffer zone.
3. The buffer zone proposals are inadequate and there is doubt that the long-term management of the buffer can be adequately secured, leading to the buffer being neglected over time, resulting in the habitat degrading once again.

## 2.2 CONSULTATIONS

**Environmental Health** - No objection;

**Highways** - No objection;

**Merseyside Environmental Advice Service (MEAS)** - recommends conditions to protect the integrity of Heswall Dales SSSI and wider biodiversity interests;

**Natural England** - Initial objection on the basis of harm to the interest features of the Heswall Dales SSSI lifted following submission of SSSI Landscape restoration and management proposals. Conditions will be required to secure this.

**United Utilities** - Issue their standing advice relating to surface water disposal, sewerage and provision of a water supply;

**Wirral Wildlife** - Initially offered no objection, recommending conditions to secure biodiversity protection. Response changed to objection on second round of public consultation on the basis of harm to the integrity of the Heswall Dales SSSI and doubt that the long-term management of the SSSI area within gardens will be enforceable, leading to a loss of control over the management of the land and degradation in the habitat over time.

### **3.1 Site and Surroundings**

3.1.1 The application site comprises the domestic garden to the side and rear of 33 Oldfield Road, a substantial detached dwelling in generous grounds situated to the south west of Oldfield Road within the wider primarily residential area of Heswall. This part of Oldfield Road is characterised by individually designed detached dwellings with those to the south west side in larger plots and with a much lower density of development than those to the north east side. The highway has an enclosed character with dwellings screened behind walls and fences with number 33 largely hidden due to the general fall in ground levels from east to west as land drops towards the Dee estuary. This drop in ground level across the site is significant, with the rear boundary of the site being approximately 14 metres lower than highway level to the front. To the rear, the site backs onto, and sits partially within, the Heswall Dales Site of Special Scientific Interest (SSSI), designated for its rare lowland heath habitat. There is some tree cover to the southern part of the site, with all trees protected as area A1 of Tree Preservation Order EM203, although the most significant are Pines towards the south eastern boundary. To either side of the application site are the equally substantial gardens of 25 and 37 Oldfield Road.

### **3.2 Proposed Development**

3.2.1 Full planning permission is sought for the development of three dwellings to the rear of number 33. The dwellings will be detached, set over two storeys, contain 5 bedrooms and be finished externally in brick and render with hipped tiled roofs. Integral double garages will be provided in addition to driveway parking. They will have open plan front gardens and enclosed rear gardens backing onto the SSSI. Part of the gardens to two of the three proposed dwellings will fall within the SSSI boundary. A private drive will be formed of 4.5 metre width with a pavement to its southern side which will lead off Oldfield Drive and will be cut into the existing stone wall. A replacement splayed stone wall will be provided with piers for vehicular and pedestrian gates. a refuse bin enclosure will be provided behind the wall and a turning head at the rear of the site. An existing tennis court and ancillary buildings will be removed, and it is envisaged that the significant pine trees to the southern part of the site will all be retained. A new boundary to the smaller, retained garden area of number 33 will be constructed.

### **3.3 Development Plan**

3.3.1 The majority of the site is designated as part of the Primarily Residential Area in the Unitary Development Plan and is subject to UDP Policies HS4 and HS10. The remaining part at the rear of the site is designated as part of the Heswall Dales Site of Special Scientific Importance (SSSI), Urban Green Space and Area of Special Landscape Value (ASLV) where UDP Proposal NC4 and Policies NC3, NC7, GRE1, GR1, LAN1, LA1 and Proposal LA2 are applicable.

Proposals for new housing development within the Primarily Residential Areas shown on the Proposals Map are permitted subject to the proposal fulfilling all the following criteria within saved UDP policy HS4:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;
- (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;
- (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and

(vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

As this application is for less than 35 dwellings, criterion (vi) for public open space and play areas does not apply.

- 3.3.2 The development forms 'backland' development and will be subject to the provisions of saved UDP policy HS10 in addition to policy HS4. This seeks to ensure adequate garden space for both the existing and proposed dwellings, adequate parking and turning space, an access drive of sufficient width that does not have a seriously detrimental impact on the street scene or on highway safety, and that the scheme does not result in a detrimental change in the character of the area or have an adverse effect on neighbouring amenity.
- 3.3.3 Saved UDP policy GR5 seeks to ensure that full landscaping proposals are submitted with applications in order to secure the protection and enhancement of visual amenity. Saved UDP policy GR7 seeks to ensure trees on development sites are considered during the application process and advises that the LPA will seek to substantially preserve the wooded character of a site or the surrounding area, provide for the protection of trees of greatest visual or wildlife value (or other vigorous healthy trees), ensure that retained trees have adequate space to prevent damage to the canopy or root structures, and protect trees on adjacent land which may be affected by development, amongst other considerations.
- 3.3.4 UDP Policy NC3 indicates that development proposals likely to affect, either directly or indirectly, sites of national importance for nature conservation will be subject to special scrutiny and will not be permitted unless it can be demonstrated that the reasons for the development clearly outweigh the nature conservation, or earth science value of the site, and the national policy to safeguard the network of such sites. Where such proposals are to be approved, the Local Planning Authority will need to be satisfied that
- i) the development is sited and designed in such a way to conserve the integrity of the site
  - ii) adequate provision has been made to minimise the potential for damage to any part of the site during construction and after the development becomes occupied, and
  - iii) adequate measures have been taken in order to secure compliance with these requirements and, where appropriate, to provide for the reinstatement of damaged areas.
- 3.3.5 UDP Policy NC7 makes it clear that development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/ or planning obligations.
- 3.3.6 Under UDP Policies LAN1 and LA1, the Local Planning Authority is to have regard to the visual impact on the local and wider landscape and protect the character and appearance of areas designated as Areas of Special Landscape Value from the adverse effects of development. Proposals are not permitted where their visual impact would be inappropriate, and which would:
- (i) introduce new intrusive development within an otherwise open setting, especially along a prominent skyline or along the undeveloped coast; or
  - (ii) result in the loss or erosion of distinctive landscape features, such as woodlands, hedges or trees, without appropriate replacement provision; and
  - (iii) other proposals which, in terms of their siting, scale, form and external appearance, would detract from the appearance of the Area or intrude within important views into or out

of the Area.

- 3.3.7 The boundary of the Heswall Dales Urban Greenspace aligns with the SSSI boundary in this location and therefore the site falls partially within this area and proposals are subject to the requirements of UDP Policies GRE1 & GR1. Policy GRE1 provides protection for areas of visual importance to the locality or wider area (with or without direct public access) and Policy GR1 in this case would prevent development, other than the re-use of existing buildings, unless alternative provision of equivalent community benefit is made available. Amongst the intrinsic values to be specifically protected are importance for wildlife, visual amenity and landscape character. Further consideration of the relevance of this policy to the proposed development is given in section 3.6 of this report.
- 3.3.8 Saved UDP policy TR9 states that in assessing the off-street parking provision associated with new development proposals, the Local Planning Authority will be guided by the following considerations:
- (i) the contribution of the proposal in supporting the general locational policies of the UDP;
  - (ii) the impact on the competitive position of urban centres;
  - (iii) the availability in the locality of alternative modes of transport;
  - (iv) the operational minimum and maximum level of car parking requirement associated with the proposed development;
  - (v) road safety and traffic management issues in the locality of the proposal; and
  - (vi) the likelihood of cars being parked on residential roads.

### **3.4 Other Material Planning Considerations**

- 3.4.1 The National Planning Policy Framework (NPPF) indicates that the purpose of the planning system is to contribute to the achievement of sustainable development so that opportunities to secure net gains across economic, social and environmental protection can be taken. There is a presumption in favour of sustainable development. For decision taking this means approving proposals that accord with an up-to-date development plan without delay (paragraphs 7, 8 & 11 refer). The most important development plan policies for determining this planning application are considered to be up to date in terms of their consistency with NPPF.
- 3.4.2 In terms of achieving appropriate densities, NPPF paragraph 122 provides support for efficient use of land taking account of the desirability of maintaining an area's prevailing character and setting and the importance of securing well designed, attractive and healthy places. Paragraph 123 goes on to state 'where there is an existing or anticipated shortage of land for meeting identified housing needs it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site'.
- 3.4.3 The National Planning Policy Framework (NPPF) at Section 12 seeks to achieve well designed places. In particular, paragraph 127 advises planning authorities that developments should: function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users, amongst other matters. Paragraph 130 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 3.4.4 The NPPF advises at paragraph 170 that planning decisions should:

- contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value, or soils in a manner commensurate with their statutory status or identified quality in the development plan;
- minimise impacts provide for net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

NPPF paragraph 175 confirms that development within or outside of a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity

3.4.5 Paragraph 108 of the NPPF seeks to ensure that applications for development take appropriate opportunities to promote sustainable transports modes, given the type of development and its location, ensure safe and suitable access to the site can be achieved for all users and any significant impacts on the transport network (in terms of capacity or congestion), or on highway safety, can be mitigated to an acceptable degree. Paragraph 109 makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network will be severe.

### 3.5 Assessment

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

- The Principle of Development;
- Design and effect on the character of Oldfield Road;
- The visual impact of development on the Heswall Dales;
- Residential Amenity;
- Highways and Transport;
- Biodiversity and the Heswall Dales SSSI:
- Trees;
- Other Material Considerations

### 3.6 The Principle of Development:

3.6.1 This site falls predominantly within a Primarily Residential Area where the construction of new housing is acceptable in principle subject to the requirements of UDP Policies HS4 and HS10. Protection for the Heswall Dales Site of Special Scientific Importance (SSSI), the Urban Green Space and the Area of Special Landscape Value is provided through UDP Policies NC3, NC7, GRE1, GR1, LAN1, LA1 and Proposal LA2

#### NPPF

The NPPF is a material consideration in planning decisions. There are three objectives to sustainable development: Economic, Social and Environmental which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains. The construction of three dwellings would have a modest social benefit in making a small contribution to addressing the current shortfall in housing land supply within the Borough, and a similarly modest economic benefit through the construction supply chain and the spending power of potential residents within the region. , The question to be asked in this assessment and considered by members is whether there is any harm to the Heswall Dales SSSI that

provides a 'clear reason' for refusing the development having regard to UDP Policy NC3 and NPPF paragraph 175. Or, if there is not such harm to the SSSI, whether there is any other harm that outweighs the benefits of development and the requirements of the relevant policies in the UDP. If not, then planning permission should be granted. The impacts on the SSSI, Urban Greenspace, landscape and biodiversity are discussed below.

### 3.7 Design and the Character of Oldfield Road

3.7.1 Oldfield Road is an established residential area of predominantly detached dwellings set back from the highway behind high walls, fencing or hedging. These boundaries result in a sense of enclosure to the highway but the dwellings themselves are located in reasonably spacious plots. Those dwellings to the lower, south west side of the road are constructed at a much lower density than those to the higher north east side. Whilst those dwellings fronting the highway are largely visible in the street scene, the existing examples of backland development to the south west are similarly low density and, due to the sharply falling land levels towards the Dee estuary and tree cover, do not have an appreciable visual impact from the highway. The three proposed dwellings to the rear of number 33 will have a similarly limited visual impact from the street scene due to their significant setback and set down and will not materially change the character of Oldfield Road which will remain characterised by secluded, spacious dwellings.

3.7.2 The construction of three dwellings will increase the density of development to the south west side of Oldfield Road. The domestic land of the 10 dwellings fronting this section of the highway adjacent to the Heswall Dales cover an area of approximately 4 hectares which gives an approximate density of 2.5 dwellings per hectare. Adding a further three dwellings would change this to approximately 3.3 dwellings per hectare, still very low. By contrast the 18 dwellings covering the same street frontage to the north east side of the highway cover an area of approximately 1.6 hectares giving an overall density of approximately 11.3 dwellings per hectare. There will remain a substantial difference between the two sides of the road and therefore the scheme has the potential to integrate successfully in respect of density and form.

3.7.3 Officers are also mindful that the Council does not have a five-year housing land supply and, in this context, the NPPF is clear that planning decisions should avoid homes being built at low densities and ensure that development makes optimal use of the potential of this site. With other site-specific constraints being considered including the proximity of the SSSI, protected trees and the landscape impact of the site, the construction of three detached dwellings (down from the five originally proposed to Officers in 2018) is considered to balance the site constraints and make optimal use of the site whilst respecting the character of the neighbourhood and making a positive contribution to the Borough's housing land supply.

3.7.4 The design of the dwellings themselves is acceptable. They are consistent in form and external appearance with only minor variations between them and overall ridge heights of approximately 9 metres. In terms of their footprint and scale they are not oversized and are smaller overall than the existing frontage dwellings to the south west of Oldfield Road. The external materials of brick and render with tiled hipped roofs are reasonably neutral, with larger areas of glazing to the rear taking advantage of views towards the Dee. They will relate well to surrounding properties in terms of form and external appearance. As such, the design and external appearance of the dwellings, and their scale and layout, does not have a detrimental effect on the character of Oldfield Road in compliance with the requirements of the UDP and NPPF policies seeking to ensure development is sympathetic to local character.

### 3.8 Impact on Landscape and Greenspace

3.8.1 The Heswall Dales forms part of a wider Area of Special Landscape Value and the LPA will seek to protect the character of these areas from the adverse effects of development. This includes preventing new, intrusive, development that would detract from the appearance of the area or important views into, or out of, the area. Whilst there is a sense of openness from within the Dales there is also an appreciation that the open space is within a wider



urban area and from many areas within the Dales the presence of surrounding houses is appreciable, albeit filtered by trees and other vegetation. Whilst the proposed dwellings will be more visible than the existing houses on Oldfield Road due to their proximity, the existing houses are not screened entirely and the proposed houses will still be seen against a backdrop of existing housing, and still filtered, to an extent, by trees and vegetation. A detailed landscaping scheme for the site can be secured by condition which will expect tree and hedge planting to be carried out within the site to further soften the appearance of the dwellings over time. For this reason, Officers consider that the proposed development will not be so intrusive into the wider character of the Heswall Dales to warrant a refusal of planning permission having regard to the objectives of UDP Policies LAN1 and LA1.

3.8.2 The objective of UDP Policies GRE1 is to ensure that the loss of existing greenspace is not permitted unless the Local Planning Authority is satisfied that the local supply of recreational and amenity open space remains adequate. Greenspace can include parks, woodlands, as well as individual trees, hedges, private gardens and other features. In this particular case the new building would be located with the Primarily Residential Area and the existing greenspace would be retained and used for habitat restoration. This part of the proposal, is considered acceptable, having regard to Policies GRE1 and GR1.

3.8.3 It should be noted that the Council's 1997 aerial photography indicates this land was part of the curtilage of number 33 at that time.

3.9 Residential Amenity:

3.9.1 The proposed dwellings provide a high standard of amenity for future occupiers in terms of internal layout, outlook and outdoor amenity space. The separation distances between the existing and proposed dwellings still comfortably exceed minimum separation distances when taking into account the 6-metre vertical level difference between the floor levels of the existing and proposed houses. As such there is no harmful intervisibility between the proposed dwellings and between the proposed and existing dwellings. The existing dwelling retains adequate rear garden space for its size and the new access drive is appropriately separated from existing windows (by approximately 8 metres) to ensure that noise and disturbance from vehicles will not be so harmful to be detrimental to residential amenity in planning terms. Two of the three dwellings are sited close to the side boundaries; however, the layout of these dwellings and the substantial scale of the neighbouring gardens ensure that the presence of the new houses will not lead to a harmful loss of privacy, or any overshadowing or overbearing effect for existing neighbours.

3.10 Highways and Transport:

3.10.1 The application is accompanied by a highways technical note which confirms that, through a radar speed survey, that the wet weather 85th percentile speed of vehicles passing the site is 25mph northbound and 26mph southbound. This allows for visibility splays of 2.4 metres by 32 metres to the north and 31 metres to the south through splaying the existing boundary wall. This conclusion does not attract an objection from the Local Highway Authority and therefore it is concluded that the vehicular access taken at this point will not cause unacceptable highway safety issues. With the proposal being for only three dwellings, the scheme will not generate traffic to result in any severe impact on the local road network. The access road itself will be of 4.5 metres width, allowing vehicles to pass, with a 1.2m wide footway to its south side allowing safe pedestrian access. A turning head is provided within the site allowing vehicles to enter and leave in a forward gear. A refuse store will be provided at the public highway to avoid the need for refuse vehicles to enter the site.

3.10.2 Parking is provided within the curtilage of each dwelling in excess of the Council's maximum parking standards of 2 spaces per dwelling, with each dwelling providing 4 to 5 spaces through a combination of garage and driveway parking. The garages are suitably scaled to accommodate two cars. As such, the development will accommodate its own parking demand without vehicles needing park on the public highway. Construction vehicle access and parking can be detailed by condition, through a Highways Construction Management Plan which will manage construction phase vehicles to prevent any prolonged obstruction of the highway or access to neighbouring properties and does not need to be

determined at this stage. Officers consider the scheme to comply with policies HS4, HS10 and TR9 in respect of highways, access and parking.

3.11 Biodiversity and the Heswall Dales SSSI:

- 3.11.1 Effect on the interest features of the SSSI - The application site partially sits within the Heswall Dales SSSI and on submission attracted an objection from Natural England on the basis of the loss of (albeit degraded) lowland mixed deciduous woodland and sub-alpine dwarf shrub heath habitat as a result of development, habitat for which the SSSI has been designated. Since that time, Natural England have had on-going discussions with the applicant and carried out investigations to clarify the extent of the SSSI boundary and the habitats for which the SSSI has been designated. Natural England are unable to confirm that the existing tennis court, which partially sits within the SSSI was not in place at the time of designation and therefore they accept that development within this area would not affect the special interest of the SSSI. Development on land beyond the tennis court could have the potential to harm the interest features, however it is noted that the habitat is degraded and forms part of a domestic garden. Subject to this land within the domestic gardens being landscaped and maintained in such a way to improve the quality habitat, and the adjacent land (outside gardens but within the blue line ownership of the applicant) being restored, Natural England have lifted their objection.
- 3.11.2 A Landscape Habitat Restoration Plan has been submitted along with indicative landscape proposals which set a series of principles which will be subject to further detail reserved by condition. The proposals provide for a net increase in heather cover by approximately 440 square metres and in dry heathland grass sward by approximately 560 square metres. Only native plant species agreed with Natural England will be planted within the SSSI portion of the gardens. Access to the Dales will remain unchanged and unattractive and incompatible landscape features such as non-native cypress hedge will be removed. Plans will be put in place for the on-going monitoring of the success of the habitat generation.
- 3.11.3 Subject to these principles, Natural England are satisfied that appropriate plans can be put in place for habitat restoration as part of the development and that there will be no further damage to the SSSI as a result of the development. Subject to pre-commencement conditions requiring the landscape restoration principles to be set out in detailed plans, and a Construction Environmental Management Plan being submitted to include measures to protect the SSSI during construction works, Natural England have lifted their objection. A prior to occupation condition will require a Homeowner Information Pack to be produced which will provide details on the SSSI habitats, the requirement for on-going maintenance and management work, the requirement for consent from Natural England, and specific details on the planting restrictions applicable to the garden areas within the SSSI boundary.
- 3.11.4 On this basis, the scheme has the potential to improve the quality of the habitat in this part of the SSSI, and the application will comply with the objectives of saved UDP policy NC3. The integrity of the SSSI can be conserved, adequate provision can be made through the CEMP to minimise the potential for damage during construction, and the scheme makes provision for the restoration of damaged areas. As such, the application also meets NPPF paragraph 175(b) as it is no longer likely to have an adverse effect on the SSSI. Members are further advised that the consent of Natural England themselves is required for on-going work within the SSSI and this will apply to the future management and maintenance of the areas of the site that fall within the SSSI. This additional layer of control provides further security over the future condition of the habitat.
- 3.11.3 Other Biodiversity considerations - The application is accompanied by a comprehensive suite of biodiversity assessments and statements which have been considered by MEAS. There are no site-specific matters relating to protected species that would warrant refusal of the application, but conditions are required to avoid harm to biodiversity and provide enhancements, in accordance with paragraph 175 of the NPPF. The site provides suitable foraging and commuting habitat for bats and therefore a scheme of external lighting will need to be required by condition to ensure that the external lighting design pays suitable regard to the presence of bats. The site is also suitable habitat for common lizard, common toad and hedgehog, which are priority species and therefore a condition securing

reasonable avoidance measures to avoid harm during the construction phase will be required. The site contains invasive plant species, and these will require appropriate removal in accordance with the measures contained within the Biodiversity Enhancement document. Finally, the landscaping plan should incorporate locally distinctive species, and species that encourage foraging by birds, bats and insects. Subject to these measures being adopted the scheme will reasonably avoid harm to on-site biodiversity interests in accordance with saved UDP policy NC7.

3.12 Trees:

3.12.1 The application is accompanied by an Arboricultural Assessment which considers the health and amenity value of trees across the site. The significant individual specimens, and groups of Pine trees to the south eastern part of the site make a positive contribution to the character and appearance of the area and should be retained in any development proposals. The development of the site largely avoids any encroachment into the root protection areas of the significant trees and the limited incursion in the vicinity of plot 3 is less than the 20% recommended maximum. Those areas where construction activity is likely to take place can be protected through the use of ground protection and RPA fencing, as indicated on the tree protection plan. The access road intrudes to a greater extent into the RPA of trees 2, 3 and 4, however in this location the access road will be subject to engineering solutions to avoid an adverse impact on the RPA, This will either be a bridge to span the difference in ground levels or a continuation of the embankment which in this area would be supported on a concrete raft. Both options will require limited piled foundations that reduces the intervention in the RPA to less than 20%. On this basis and noting that the principal outlook from all three dwellings is not restricted by trees, Officers consider that the development and the existing trees can coexist, and they can continue to screen and soften the new housing. Conditions will be required to ensure the tree protection plan and arboricultural method statement is followed, that details of the engineering solution for the access road are agreed, and that suitable new tree planting is provided to secure succession, and longer-term softening of built form. Consequently, the application complies with the objectives of saved UDP policy GR7.

3.13 Other Material Considerations:

3.13.1 Foul and Surface Water Drainage - The application is accompanied by a sustainable drainage assessment with infiltration testing. This confirms that ground conditions are suitable for surface water infiltration drainage via soakaways within the rear gardens and therefore surface water can be managed in accordance with the sustainable drainage hierarchy. Foul drainage will require pumping to the public sewer within Oldfield Road and this is identified on the proposed foul and surface water drainage plan. There is no evidence to suggest that the surface water drainage proposals will increase the risk of surface water flooding for others, or that the capacity of the sewer network cannot accommodate a further three dwellings in this location.

3.13.2 Application Publicity - The application was publicised in accordance with the Council's published guidance with neighbour notification letters sent to all properties that share a boundary with the application site and those directly opposite. The application does not meet the criteria for the posting of a site notice and as it is not significant major development it does not justify a wider mailing of notification letters beyond the immediate neighbours.

**Summary of Decision:**

Having regards to the individual merits of this application it is recommended that Planning Permission be granted 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 scheme comprises the acceptable development of three detached dwellings in a sustainable and accessible location. The proposals main the prevailing low-density residential character of the area and will not have an adverse effect on the visual and landscape amenity value of the Heswall Dales. The impact of the scheme on the Heswall

Dales SSSI has been thoroughly assessed by Natural England and, subject to conditions, no adverse effect on the interest features of the SSSI will occur and a degree of restoration of degraded habitat will be achieved. There are no other adverse impacts on biodiversity, protected trees, residential amenity or highways that would significantly or demonstrably outweigh the benefits of development. As such, the application complies with the relevant requirements of the development and comprises sustainable development under the terms of the National Planning Policy Framework.

**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. Unless modified by other conditions of this consent, the development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22 September 2020 and listed as follows:

SHACK373 B102 Revision C (Proposed Site Plan)  
SHACK373 B103 Revision B (House Type 1A)  
SHACK373 B104 Revision C (House Type 1B)  
SHACK373 B105 Revision B (House Type 2)  
SHACK373 B106 Revision B (Context Elevation)  
SHACK373 B107 Revision B (Site Sections A-A and B-B)  
SHACK373 B108 Revision B (Site Sections C-C and D-D)

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

3. PART A

No development shall commence (to include demolition and site clearance) until further revisions to the submitted Landscape Habitat Restoration Note and Landscape Proposals General Arrangement Plan have been submitted to and approved in writing by the Local Planning Authority. Such revisions shall make provision for:

i) Amendment to the Landscape Restoration proposals insofar as they relate to land to the rear of plot 4 to ensure that the domestic garden area of plot 4 does not extend beyond the red line boundary of the application site and to ensure a defensible boundary is erected between the domestic garden of plot 4 and land within the Heswall Dales SSSI which does not allow access between plot 4 and the SSSI, and

ii) Confirmation of timing for the implementation and completion of the Landscape Habitat Restoration Scheme.

Thereafter development shall be carried out in accordance with the approved Landscape Habitat Restoration Note and Landscape General Arrangement Plan.

**PART B**

Within one month of completion of the Landscape Habitat Restoration Scheme a verification report shall be submitted for the approval in writing of the Local Planning Authority. Such report shall include a photographic schedule of the works carried out, demonstrate how the works carried out have complied with the scheme approved under Part A of this condition, set out a schedule of on-going management and maintenance

works required to maintain the habitat in a favourable condition for the following 12-month period, and set out the timescale for carrying out the work.

Thereafter the works shall be carried out in accordance with the approved details.

#### PART C

On the first anniversary of the submission of the verification report under Part B, and on every anniversary thereafter for a period of a further four years, a Landscape Habitat Management Annual Monitoring Report shall be submitted for the approval in writing of the Local Planning Authority. Such report shall:

- i) Assess the condition of the Landscape Habitat Restoration Area (to include a photographic schedule),
- ii) State the management and maintenance works that have been carried out over the preceding 12 months,
- iii) Set out a schedule of management and maintenance works required to maintain the habitat in a favourable condition over the next 12-month period, and
- iv) Set out the timescale for carrying out the work.

Thereafter the works shall be carried out in accordance with the approved details.

**Reason** - To avoid an adverse effect on the interest features of the Heswall Dales Site of Special Scientific Interest in accordance with the requirements of saved policy NC3 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

4. No development shall commence (to include demolition and site clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the specific measures required to protect the Heswall Dales Site of Special Scientific Interest during the construction period. Thereafter development shall be carried out in accordance with the approved plan.

**Reason** - To avoid harm to the interest features of the Heswall Dales SSSI in accordance with the objectives of saved policy NC3 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

5. No dwelling shall be occupied until a Homeowner Information Pack has been submitted to and approved in writing by the Local Planning Authority. The information pack shall provide details on the Heswall Dales SSSI and its habitats, and the requirements for on-going management and maintenance work on their land. In particular the Information Pack shall, amongst other requirements:

- i) Contain the detailed planting proposals for the restoration area section of their garden.
- ii) Set out the list of approved species for replacement planting in the restoration area section of their garden,
- iii) Set out a list of invasive species that should not be planted anywhere on their property, and
- iv) Make specific reference to the restricted access to the Dales.

Thereafter the Information Pack, as approved, shall be issued to occupiers of the development.

**Reason** - To avoid an adverse effect on the interest features of the Heswall Dales Site of Special Scientific Interest in accordance with saved policy NC3 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

6. No development shall commence until detailed engineering drawings of the site access

road, comprising plans and sections drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority. Such drawings shall demonstrate the engineering solution to be adopted to span the Root Protection Areas of protected trees where they conflict with the line of the access road. Thereafter the access road shall be constructed in accordance with the approved details and completed prior to first occupation of any dwelling hereby approved.

**Reason** - In the interests of the health and amenity value of protected trees and to ensure safe and suitable access is provided to the dwellings prior to their occupation.

7. No development shall commence until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. For each phase of development, the plan shall demonstrate:

- i) Location(s) for the parking of vehicles of site operatives and visitors clear of the public highway,
- ii) Location(s) for the loading, unloading and storage of plant and materials used in construction of the development,
- iii) Measures to prevent the deposit of mud/grit/dirt on the public highway, with wheel washing facilities where appropriate, and
- iv) Management, routing and control of HCV construction traffic.

Thereafter development shall be carried out in accordance with the approved plan.

**Reason** - In the interests of highway safety and amenity.

8. No other plant or materials shall be brought onto site until tree protection fencing and ground protection has been installed around all trees to be retained as part of the development in accordance with the submitted tree protection plan and tree protection method statement (Tree Solutions Arboricultural Consultants 'Arboricultural Impact Assessment and Method Statement' dated June 2019 reference 19/AIA/WIRR/46).

Thereafter development shall be carried out in accordance with the approved details and all fencing and ground protection shall be retained until development subject to this consent is complete. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, disposal of liquids, or lighting of fires within any area fenced off as part of the tree protection plan and method statement.

**Reason** - In the interests of the health and amenity value of protected trees, to accord with the objectives of saved policy GR7 of the Wirral Unitary Development Plan.

9. No development above ground floor slab level shall take place until samples of the external walling and roofing materials to be used in the construction of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.

**Reasons** - In the interests of visual amenity and to maintain the character of the area in accordance with saved policies HS4 and HS10 of the Wirral Unitary Development Plan.

10. No development above ground floor slab level shall take place until a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address those areas of the site outside the SSSI Landscape Restoration Areas managed under condition 3 of this consent and it shall be informed by the West Wirral Heathlands and Arrowe Park Nature Improvement Area. The scheme shall demonstrate:

- i) The materials to be used in hard and soft surfacing,
- ii) The planting of trees, shrubs and hedgerow species of local provenance with details of the species, location, number, stock size and planting densities,

- iii) Details of the type, size and external appearance of any gates, fences, walls or other means of enclosure, and
- iv) The timing of implementation of the scheme.

When considering species for tree, shrub and hedge planting, consideration should be given to suitable species that produce berry bearing fruit, and attract a range of insects, to encourage bird and bat foraging.

Thereafter the landscaping scheme shall be carried out as approved.

**Reason** - To ensure the development integrates successfully with the landscape character of the area in the interests of visual amenity and takes the opportunities available to enhance biodiversity across the site.

11. If, within a period of five years from the date of planting any tree, shrub or hedgerow (planted as part of the landscaping scheme approved under condition 10 or the SSSI Landscape Restoration Area proposals approved under condition 3) that specimen, or any specimen planted in replacement for it, is removed, uprooted, destroyed or dies or in the opinion of the Local Planning Authority becomes seriously damaged or defective, another specimen of the same species and size as that originally planted shall be planted in the same location, unless the Local Planning Authority approves any variation.

**Reason** - To ensure the landscaping scheme becomes established in the interests of visual amenity and the character of the area.

12. No vegetation removal shall take place within the main bird nesting season (April to September inclusive) until a pre-commencement check is carried out by a qualified ecologist no earlier than 48 hours prior to the commencement of works, and the qualified ecologist confirms to the Local Planning Authority in writing, no later than 48 hours after the check has taken place, that no actively nesting birds will be affected.

**Reason** - To avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

13. The following priority species reasonable avoidance measures shall be put in place during the construction phase of the development hereby approved:

- i) A pre-commencement check by a qualified ecologist for common lizard, common toad and hedgehog within suitable habitats on site.
- ii) All trenches and excavations shall have a means of escape (such as a ramp)
- iii) Any exposed open pipe systems should be capped to prevent mammals gaining access, and
- iv) Raised storage of materials on pallets and in such a manner that mammals are not able to use them for shelter.

**Reason** - To avoid adverse impacts on protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

14. No external lighting shall be installed until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a suitably scaled plan and lighting schedule and shall demonstrate:

- i) The location, type and luminance of each light fitting to be installed, and
- ii) How the scheme has been designed to take account of Bat Conservation Trust guidelines at [www.bats.org](http://www.bats.org) to prevent excessive light spill onto areas containing bat commuting and foraging habitat.

Thereafter the external lighting scheme shall be carried out as approved.

**Reason** - To avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

15. Prior to first occupation of the dwelling(s) 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 Policy WM9 of the Joint Waste Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby approved, or any detached building erected swimming or other pools, hard surfaces, raised platforms, gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission), without the express permission in writing of the Local Planning Authority.

**Reason:** The further extension of this (these) dwelling(s) or the erection of detached building requires further consideration to safeguard the amenities of the surrounding area.

17. Before any above ground construction work is commenced details of the proposed finished floor levels and the ridge and eaves heights of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels and the eaves and ridge heights of surrounding properties. The development shall be carried out as approved.

**Reason:** To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of development, any trees and hedgerows and the amenities of neighbouring properties having regard to Policy HS4 of the Wirral Unitary Development Plan.

#### **Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. The proposed vehicle access should be constructed in accordance with the published specification of the Local Highway Authority. The works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice will be required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.
2. The consultation response of United Utilities to this planning application sets out important advice to the developer on matters of drainage, the provision of a water supply, and interaction with United Utilities' assets and infrastructure. The developer should familiarise themselves with this advice at the earliest opportunity to take account of any further design work and consent processes to meet the requirements of the sewerage and water undertaker. Should further copies of the advice be required, it can be obtained from [planningapplications@wirral.gov.uk](mailto:planningapplications@wirral.gov.uk) quoting application reference APP/19/01177.
3. Schedule 9 (Wildlife and Countryside Act, 1981 (amended)) invasive plant species rhododendron and cotoneaster have been recorded on site during survey. The location of



the plants is provided within the Preliminary Ecological Appraisal, with appropriate removal and landfill measures contained within the Biodiversity Enhancement Measures statement. These documents should be made available on-site during works to ensure appropriate removal.

**Last Comments By:** 01/11/2020  
**Expiry Date:** 25/09/2019

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# Agenda Item 4

**Planning Committee**

**14 January 2021**

**Reference:**  
**APP/20/00720**

**Area Team:**  
**Development**  
**Management Team**

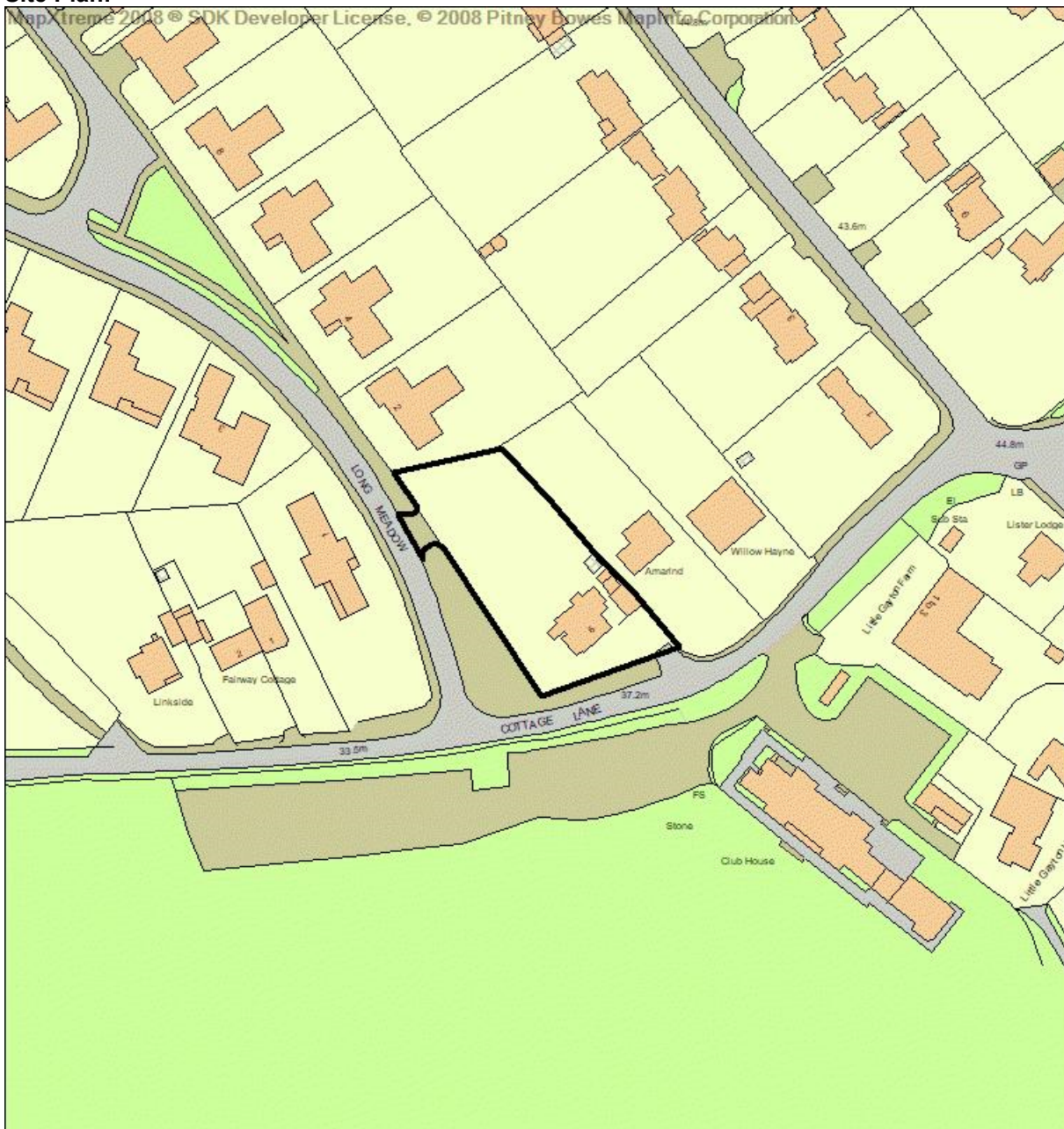
**Case Officer:**  
**Mr N Williams**

**Ward:**  
**Heswall**

**Location:** Teviot Bank, 6 COTTAGE LANE, GAYTON, CH60 8PB  
**Proposal:** Demolition of existing dwelling and erection of building containing 8 No. apartments, with associated landscaping, parking, bike store and bin store.  
**Applicant:** PHILIP LAMBERT ARCHITECTURE  
**Agent:** Philip Lambert Architecture

**Qualifying Petition:** Yes, Number of Signatures: 79

## Site Plan:



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**Development Plan designation:**  
Primarily Residential Area

**Planning History:**

Location: Teviot Bank, 6 COTTAGE LANE, GAYTON, CH60 8PB  
Application Type: Full Planning Permission  
Proposal: Erection of a new dwelling to the rear (north west) of Teviot Bank 6 Cottage Lane Gayton CH60 8PB. (Second Amended Plans dated 12.2.14)  
Application No: APP/13/01258  
Decision Date: 28/03/2014  
Decision Type: Approve

**Summary of Representations and Consultations Received:**

**1.0 WARD MEMBER COMMENTS**

1.1 No formal comments received.

**2.0 SUMMARY OF REPRESENTATIONS**

**2.1 REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 11 notifications were sent to adjoining properties. At the time of writing, there had been a qualifying petition of objection containing 79 signatures and 35 individual objections received, including from the Heswall Society, which can be summarised as:

1. No other flat development in the vicinity
2. Out of scale and keeping with surrounding properties
3. Overbearing impact on neighbours
4. Overlooking
5. Increased noise
6. Impact of bin store
7. Highway safety concerns and insufficient parking
8. Drainage concerns
9. Impact on trees and wildlife
10. Covenant restricts development

**2.2 CONSULTATIONS**

**Highways** - No objections subject to condition (see comments below)

**Environmental Health** - No objection

**Welsh Water** - Request condition and advisory notes

**3.1 Site and Surroundings**

3.1.1 The site currently contains 'Teviot Bank', a two-storey rendered dwelling located on the corner of Cottage Lane and Long Meadow. The building is in a slightly elevated position above Long Meadow, with a large grass verge/embankment between the site and the pavement.

3.1.2 The site is designated in the Wirral Unitary Development Plan as a Primarily Residential Area. It is within an area of mixed housing, with predominantly two-storey dwellings along Cottage Lane and mostly bungalows on Long Meadow. Heswall Golf Club, a large two-storey building located within Heswall Lower Village Conservation Area, and its associated car park are to the south.

**3.2 Proposed Development**

3.2.1 The application proposes the demolition of the existing dwelling and the erection of a building containing 8 No. apartments, with associated landscaping, parking, bike store and

bin store. The proposed building will be two-and-a-half storeys tall and will sit towards the front of the site, with the parking and amenity areas to the rear (north). The parking area will be partly subterranean, built into the land, with the amenity area sitting above (at the existing ground level).

- 3.2.2 The proposal has been amended since the original submission due to officer and local resident concerns. There has been a reduction in the scale/bulk of the rear part of the building and a slight reduction in the overall height of the building. This has resulted in a loss of one unit (the original scheme proposed 9 units).

### **3.3 Development Plan**

- 3.3.1 The proposed development would primarily be subject to Wirral Unitary Development Plan Policy HS4: Criteria for New Housing Development and Policy GR5: Landscaping and New Development. The site is also within Zone 3 of the Gayton Density & Design Guidelines, and therefore subject to Policy HS5, which states that development is only permitted on plots with a frontage and depth comparable to those plots in close proximity – in this case, the plot at Teviot Bank is one of the larger sites and has a frontage onto both Cottage Lane and Long Meadow.

- 3.3.2 Supplementary Planning Documents 2: Designing for Self-Contained Flat Developments and Conversions is also relevant, as is Supplementary Planning Document 4: Parking Standards.

### **3.4 Other Material Planning Considerations**

- 3.4.1 The National Planning Policy Framework states that there should be a presumption in favour of sustainable development and provides support for efficient use of land taking account of the desirability of maintaining an area's prevailing character (including residential gardens). The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

### **3.5 Assessment**

- 3.5.1 The main issues pertinent in the assessment of the proposal are;

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

### **3.6 Principle of Development:**

- 3.6.1 The site is designated as part of the Primarily Residential Area, where residential development is acceptable in principle, subject to compliance with all the criteria in UDP HS4. The site also with the Gayton Density and Design Guidelines Area where UDP Policy HS5 is also applicable.

#### Site Considerations

Whilst the existing dwelling has some visual merit, it has little significant architectural character sufficient to prevent its demolition and the loss of this building could therefore be accepted. There are no restrictions under Policy HS5 for new flat development within this area, with the aim to permit development on plots of comparable sizes with neighbouring properties.

- 3.6.2 It is acknowledged that the area contains almost wholly single dwellings - either bungalows or two-storey properties, although there are examples of larger properties within the wider area, together with the substantial golf clubhouse off Cottage Lane. However, the prominent location of the site on the corner of Cottage Lane and Long Meadow give the impression of a key site within the locality, where a building of slightly larger scale could be suitable.

- 3.6.3 There was a previous planning permission for a new dwelling in the rear garden of Teviot Bank approved in 2013 (ref: APP/13/01258). Although this dwelling has not been built, the applicant states that the permission has been implemented and therefore the dwelling could still be built. If it was, this would reduce the size of the plot at Teviot Bank and introduce additional built form and is considered to be a material consideration. The current proposal, and the conditions attached to any approval, would mean that this dwelling could not be built.
- 3.7 Scale, Design & Layout:
- 3.7.1 The proposed building, at approximately 47.5m AOD (Above Ordnance Datum), will be shorter than the existing dwelling (approx 48.5m AOD) and the adjacent property Amarind (just under 48m AOD), at their highest points. It is acknowledged that the proposed building will have a larger massing than both the existing dwelling and neighbouring property, however, this height comparison indicates that the scheme has been designed so as to minimise the overall height of the proposed building and ensure that it does not appear excessively out of scale within the area. The apartments within the top floor will be mostly contained within the roofscape, which helps to maximise the effective use of the site whilst limiting the overall height of the building.
- 3.7.2 The footprint of the proposed building will be similar in terms of width to the existing dwelling with the front elevation similar to the existing, but it will extend further to the rear. The site is considerable in scale (approx. 0.17 hectares), and the scheme has been designed to ensure that the building takes up only around one third of the site and is sited within a similar location to the existing dwelling. The site is fairly well screened by trees and vegetation to both Long Meadow and Cottage Lane, much of which is to be retained. This will help to soften the impact of the proposed building and minimises the impact it will have upon the surrounding area, including the nearby conservation area.
- 3.7.3 The proposed building has been designed to give the appearance of a large, single family dwelling - with both design and materials blending a traditional and modern form. The proposed building has a series of front-facing gables and dormers which provide interest and depth, with a mix of materials which result in the scheme having the appearance of a contemporary version of a traditional building. The materials utilised will include traditional red bricks, render and cedar elements, together with sandstone, which is a feature of the conservation area. The proposed materials appear to work well together, and the scheme is considered to be of a high-quality design, befitting of its prominent location, and will therefore make a positive contribution to the character of the area. It's impact on the adjacent conservation area is considered to be negligible due to the design quality of the building and materials proposed, together with the screened nature of the site which minimises the views of the site from Cottage Lane.
- 3.7.4 As noted, the site is screened by a number of fairly mature trees, most of which are to be retained and will continue to help screen the new building and soften its appearance. There are 6 trees to be removed, none of which are graded as A quality trees, and there are sufficient number of trees being retained to ensure that the site continues to contain significant tree screening and coverage. These trees are not protected by a Tree Preservation Order, but it is indicated that those to be retained will be protected during the construction process, and conditions have been attached to ensure this is the case. In addition, a condition has been attached for a full landscaping plan to be submitted and will include the retention of those trees shown on the submitted plans, together with the potential for additional trees, in line with Wirral's Tree Strategy.
- 3.7.5 Although objections have been received relating to drainage, NPPF Para 165 refers to only major developments as requiring sustainable drainage systems, and a sustainable drainage strategy was therefore not deemed necessary for this application. However, the NPPF does advise that local planning authorities should ensure that flood risk is not increased elsewhere, and a condition has therefore been attached for the applicant to submit a drainage scheme prior to commencement of development.

3.8 Highways:

3.8.1 The development proposes a new access into the site from Long Meadow, cutting through the grass verge embankment and into a parking area which will partly be covered by a decked amenity area (which will sit at the existing ground level). This new access has been assessed and it's considered that there are no significant highway safety concerns. The Local Highway Authority require full details of how the new access would be created prior to the access being constructed, and an informative advises the applicant of this. A Construction Management Plan has been requested, via condition, due to the narrowness and lack of footway on Cottage Lane.

3.8.2 The proposed development provides 17 off-street parking spaces, consisting of 15 located in the new car park to the rear of the proposed building and a further 2 located to the front, via an existing access off Cottage Lane. This level of parking provision is generally in line with Supplementary Planning Document 4: Parking Standards, as is the provision for one secure cycle parking space per apartment, and therefore the proposal complies with local and national policy.

3.9 Amenity:

3.9.1 There are habitable windows on three sides of the proposed building - the front (south) and rear (north), together with a large number of windows on the western elevation to provide views towards the Dee Estuary. To the south, these windows will look towards Heswall Golf Club, whilst to the rear the windows will be a distance of approximately 30 metres from the property to the rear of the site (2 Long Meadow). To the west, the dwelling at 1 Long Meadow does not sit directly opposite the proposed building. This results in the proposed windows facing towards the garden area of this property. Although the application site is set higher than this property, the distance of approximately 25 metres is considered sufficient to ensure no unacceptable levels of overlooking will occur.

3.9.2 Given the distance of the proposed building to the dwelling to the rear (2 Long Meadow) and to the west (1 Long Meadow) it is not considered that it will have an unacceptable detrimental impact upon the amenities of these dwellings.

3.9.3 The proposed bin and cycle store are located to the rear of the site, close to the boundary with 2 Long Meadow. Details of these have been submitted and indicate a cedar-clad structure. It's not considered that this will have a significant impact upon the amenities of the neighbouring property.

3.9.4 The property to the east, 'Amarind', has no primary habitable windows on the side elevation but does have large windows to the front and rear. Although the proposed building does project further to the front and rear than these windows, it has been sited so that it complies with a 45-degree requirement from the centre of these windows. Therefore, although the proposal will have some impact on these windows, it is not considered to be excessively so, and on balance is not considered sufficient to warrant refusal of the application.

3.9.5 An additional consideration is the presence of habitable room windows on the side elevation of the existing Teviot Bank dwelling which face towards the property of Amarind, at a distance of only approximately 5 metres. The demolition of this property and subsequent removal of these windows, and the inclusion of only stairwell windows on this proposed elevation should therefore result in less direct overlooking of the neighbouring property than currently exists. A condition has been attached to ensure that this new stairwell window is obscurely glazed above ground floor level.

3.9.6 All habitable windows within the proposed development will have sufficient outlook for future occupiers. Some of the units will have small outside seating areas, whilst a larger amenity space will be sited to the rear, providing sufficient private outdoor space for future residents of the scheme.

**Summary of Decision:**

Having regards to the individual merits of this application the recommendation to grant

Planning Permission has been given 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 redevelopment of this site will make effective use of the site and therefore comply with the National Planning Policy Framework and will not have an unacceptable adverse impact upon the amenities of neighbouring properties or the character of the surrounding area and therefore complies with the Wirral Unitary Development Plan, in particular Policies HS4, HS5 and GR5, and relevant Supplementary Planning Documents 2 and 4.

**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 2nd June 2020 and listed as follows: 19-425-001; 19-425-002; 19-425-003; 19-425-005; 19-425-101; 19-425-201; 19-425-202; 19-425-203; 19-425-204, and the amendment plans received on 2nd October 2020 and listed as follows: 19-425-205 A; 19-425-206 A; 19-425-207 A; 19-425-301 B; 19-425-302 B; 19-425-401 B; 19-425-601; 19-425-602; 19-425-701

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

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

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

4. The proposed bin and cycle storage facilities, as shown on Drawings 202 and 203, shall be provided as shown prior to first occupation of the development and retained as such for use at all times afterwards, unless otherwise agreed in writing by the Local Planning Authority

**Reason:** For the avoidance of doubt having regard to the amenities of future occupiers and Policy TR12 of the Wirral Unitary Development Plan and Policy WM9 in the Joint Waste Local Plan.

5. Prior to the construction of the new access, a full scheme of works for the new access onto Long Meadow, including adequate visibility splays as shown on the approved drawings and the reinstatement to standard footway levels of any existing vehicle accesses from the highway that are rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.

**Reason:** In the interests of highway safety and to accord with Policy TR 9 of the in the Wirral Unitary Development Plan.

6. The windows above ground floor level in the north-eastern elevation (serving the stairwell)



shall be obscurely glazed prior to first occupation and shall be retained as such thereafter

**Reason:** In the interests of the amenities of the neighbouring property having regards to Wirral Unitary Development Plan Policy HS4

7. No development shall take place 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.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment having regard to Policies WA2 and WAT2 in the Wirral Unitary Development Plan.

8. PRIOR TO COMMENCEMENT OF DEVELOPMENT, detailed drawings indicating the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent properties having regard to Wirral Unitary Development Plan Policy HS4

9. No development above ground level shall take place before details of a scheme of landscaping, which shall include details of both hard and soft landscaping works, all boundary treatment, earthworks and retained trees, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out no later than the first planting season following the completion of development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary, continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation

**Reason:** To ensure satisfactory landscape treatment of the site which will protect the character and appearance of the site and to ensure the proposed development enhances the visual amenity of the locality, having regard to Policy GR5 of the Wirral Unitary Development Plan

10. The development shall be carried out in accordance with the submitted arboricultural method statement (Arbtech, 1 July 2020) unless otherwise agreed in writing by the Local Planning Authority

**Reason:** To ensure protection of the trees having regards to Wirral Unitary Development Plan Policy GR5

11. 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 and 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.

**Reason:** To ensure protection of the trees having regards to Wirral Unitary Development Plan Policy GR5

12. 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 builders 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 a used and located not within 10 metres of any Root Protection f, no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g, no excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

**Reason:** To ensure protection of the trees having regard to Wirral Unitary Development Plan Policy GR5

13. NO DEVELOPMENT SHALL TAKE PLACE UNTIL a Construction Management Plan or Construction Method Statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved details.

Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

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

**Further Notes for Committee:**

- 1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is

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

2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

**Last Comments By: 31/07/2020**  
**Expiry Date: 28/08/2020**

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# Agenda Item 5

**Planning Committee**

**14 January 2021**

**Reference:**  
**APP/20/01065**

**Area Team:**  
**Development**  
**Management Team**

**Case Officer:**  
**Ms C Robinson**

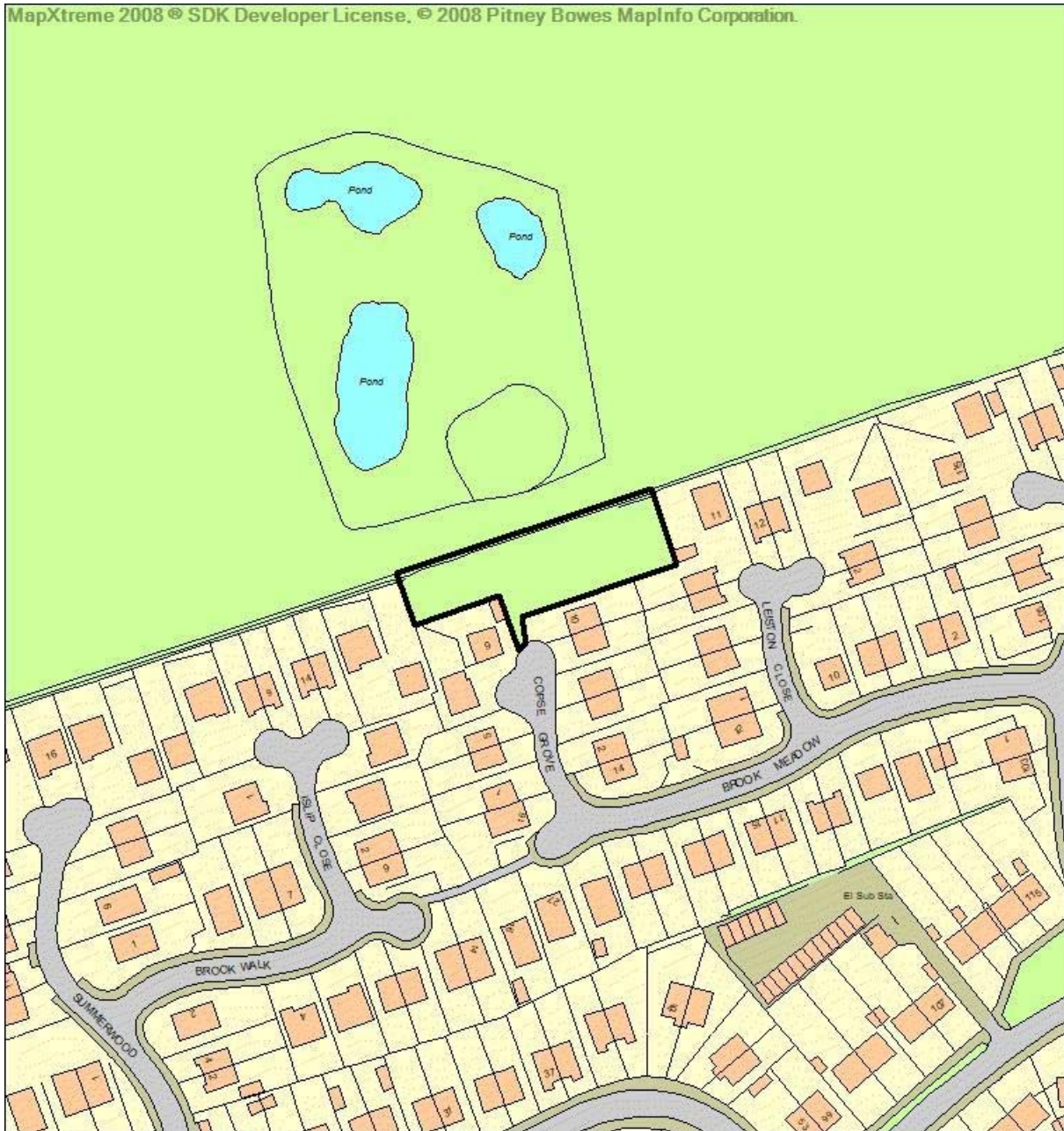
**Ward:**  
**Greasby Frankby**  
**and Irby**

**Location:** Land to the rear of 9 & 10 COPSE GROVE, IRBY, CH61 4YP  
**Proposal:** Erection of 2 No detached houses with associated free-standing garages  
**Applicant:** Mr Clifford  
**Agent:** Mr Graham

**Qualifying Petition:** Yes, Number of Signatures: 72

**Site Plan:**

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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Land to the north of Denning Drive, Irby, L61 4YH  
Application Type: Full Planning Permission  
Proposal: Erection of 96 houses and 17 bungalows and garages and construction of roads and sewers  
Application No: APP/83/22065  
Decision Date: 24/03/1983  
Decision Type: Conditional Approval

Location: Land adjacent to 9 & 10 Copse Grove, Irby, Wirral, CH61 4YP  
Application Type: Full Planning Permission  
Proposal: Erection of 3 No. detached houses and detached garages  
Application No: APP/03/06111  
Decision Date: 03/09/2003  
Decision Type: Withdrawn

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

1.1 Councillor Clements has expressed the desire for the scheme to be removed from delegation in light of the concerns of local residents regarding impacts on both wildlife and the Green Belt.

**2.0 SUMMARY OF REPRESENTATIONS****2.1 REPRESENTATIONS**

The residents of eight neighbouring properties were individually notified by way of advertisement of this application. At the time of writing this report, twenty-three representations had been received. One offers neutral comment, whilst the remaining twenty-two object to the proposal, including the Irby Thurstaston and Pensby Amenity Society.

The main concerns are surmised as follows -

1. Destruction of natural habitat and impact on local wildlife
2. Increased traffic, both during construction and subsequently
3. Noise pollution
4. Additional stress on existing drainage systems
5. Adverse impacts on the mental health of neighbouring residents during the construction, and thereafter
6. Increased risk of flooding
7. Development of Greenbelt land is inappropriate
8. Sets precedent for development of other overgrown greenbelt land
9. Loss of view of The Copse for existing residents nearby
10. Inaccurate information submitted with the application - access gap is less than stated
11. The proposed development detracts from the existing character
12. Inadequate space for parking; this will result in additional cars parking on Copse Grove, which already doesn't have enough parking
13. Negative impact on trees
14. Information supplied regarding the width of the access is inaccurate; the width of the site is not sufficient
15. Previous applications and appeals have been refused, and those grounds for refusal still stand
16. The greenspace was set aside when the surrounding development was planned, and should continue to provide the amenity space it was intended for
17. The extent of the ecological survey is too narrow

An objection petition containing 72 signatures has also been received in response to the proposed works. The main concerns cited within it are summarised as follows:

1. Increased risk of flooding to nearby properties
2. Severe impairment to a local wildlife haven
3. Noise and disruption due to increased traffic and construction works

For the avoidance of doubt, the site does not fall within the Green Belt; it borders the designation but is not contained within it.

## 2.2 CONSULTATIONS

**Highways** - No objection. The proposals are all contained within the private boundary to the dwelling and do not impact on the adopted highway to any great extent. The level of proposed in-curtilage parking is in accordance with the SPD4 standards.

**Merseyside Environmental Advisory Service** - Following the submission of additional information with regards to the application site, MEAS are satisfied that the site likely wouldn't fully meet the criteria for Priority Habitat and that like for like compensation planting would not be necessary. A suitably worded landscaping condition, securing the retention of some areas of woodland as wildlife corridors, and new native landscape planting would be proportionate in this instance.

**Wirral Wildlife** - The site is believed to be mitigation woodland for a previous development; should this be the case; the proposal would have to provide compensatory measures for both the currently proposed woodland destruction and that mitigation previously agreed.

## 3.1 **Site and Surroundings**

3.1.1 The development site comprises a portion of generally unmanaged vegetation located to the terminus of Copse Grove, beyond properties 9 and 10. The site falls within a Primarily Residential Area and borders the county's Green Belt. To the North, the development site is bound by a mature broad-leaved woodland.

## 3.2 **Proposed Development**

3.2.1 This application seeks permission for the erection of two detached houses with associated free-standing garages.

## 3.3 **Development Plan**

3.3.1 HS4: Criteria for New Housing Development Policy  
HS10: Backland Development  
NC01: Principles for Nature Conservation  
NC7: Species Protection  
GR7: Trees and New Development  
LAN1 - Principles for Landscape  
LA7 - Criteria for Development at the Urban Fringe  
WM9 - Sustainable Waste Management Design and Layout for new developments

## 3.4 **Other Material Planning Considerations**

3.4.1 NPPF  
SPD4 - Parking Standards  
SPG10 - Backland Development

## 3.5 **Assessment**

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

- Principle of development
- Design and visual amenity
- Highways and PROW
- Ecology, habitat and trees; and

- Neighbouring amenity

3.6 Principle of Development:

3.6.1 The site is designated as part of the Primarily Residential area in the Unitary Development Plan, where the construction of new housing can be permitted subject to the requirements of UDP Policies HS4 and HS10, along with any other relevant material planning consideration.

3.6.2 Material Considerations

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. It indicates that the purpose of the planning system is to contribute to the achievement of sustainable development so that opportunities to secure net gains across economic, social and environmental protection can be taken. There is a presumption in favour of sustainable development. For decision taking this means approving proposals that accord with an up-to-date development plan without delay (paragraphs 7, 8 & 11 refer). The most important development plan policies for determining this planning application are considered to be up to date in terms of their consistency with NPPF.

3.7.1 Design and visual amenity:

Proposed is the erection of two-detached dwellings. Facing brickwork and roof tiles to match the surrounding housing development are the proposed construction materials. The surrounding vernacular is predominantly brick thus this materials selection is favoured. The locality is made up a combination of attached and semi-detached houses, though their overall design and appearance is generally uniform. The properties here proposed are a little larger than their neighbours, however they fit well to the local character and are not cramped nor contrived within their plots. As an urban fringe development, policies LAN1 and LA7 are applicable. As above, the new buildings are generally well designed and sited and a landscaping condition attached to any approval granted shall ensure that vegetation is retained within the site by way of softening the visual impact particularly where the Green Belt is concerned.

3.7.2 Whilst the proposals do not have all the characteristics of backland development, as they are located behind existing properties, they should be considered alongside this policy. UDP Policy HS10 requires that an access be provided which is of sufficient width to provide a private drive, 3m wide with amenity strips. The proposed, the access would be provided using an existing gap separating no's 9 and 10 Copse Grove Which varies in width from approximately 2.5m to 3.5m. From the street scene, the proposed properties shall be largely obscured by existing built form; in any event their design, scale and form are consistent and sympathetic with the locality thus they will not appear alien. Overall, the two dwellings are considered to be an appropriate addition to this site.

3.7.3 Research from the relevant planning history confirms that the site was not designated as open amenity land in association with the construction of the original housing estate (see permission APP/83/22065); the site, at present, however, is an undeveloped patch of vegetation, which could be considered a visual buffer within the estate. As afore referenced, the vegetation contained within the site is generally of poor quality. Regardless, when viewing the site from Copse Grove, existing trees in the front garden of neighbouring no.10 make up much of the vegetative character combined with one tree sited forward within the development site which is set to be removed as part of the proposal. The bulk of the vegetation set for removal is not prominently viewed from Copse Grove to make a prominent contribution to the street scene. In any event, the site shall continue to be read against the remainder of the woodland (which contains more mature vegetation and is arguably more attractive) located beyond the North boundary of the development site. The loss of the open space making up the development site is therefore not considered sufficiently detrimental as to warrant the refusal of this application.

3.8 Highways:

3.8.1 The proposed development would provide two four-bedroom dwellings. The Council's adopted parking standards (2007) states that a maximum of two parking spaces should be provided for houses with 3 or more bedrooms. The site plan indicates that each dwelling



would benefit from a driveway sufficient to park one vehicle plus a single garage. In which case the proposal is considered to provide adequate parking provision.

- 3.8.2 The Authority's highways team have raised no objection to the proposed access arrangements. The site will allow adequate space for turning and manoeuvring allowing vehicles to enter and exit the site in a forward-facing gear.

3.9 Ecology, habitat and trees:

- 3.9.1 Whilst the site is not currently designated as a priority habitat and has no specific designation in the UDP, the development site is within proximity to several designated sites; Thurstaston Common SSSI (950m west), Limbo Lane Pond LWS (490m east), Harrock Wood LWS (660m south), and Arrowe Park LWS (760m east). MEAS has advised that ecological impacts must therefore be carefully considered. The application site comprises an area of unmanaged broad-leaved woodland with an under-storey of scrub. The woodland extends outside of the northern boundary of the application site and this area includes a large pond. Broad-leaved woodland and are Priority Habitats. Such areas should be afforded protection, in terms of mitigating loss of trees within them and - where felling is avoidable - the provision of compensatory planting. The Local Planning Authority is required under s40 of the Natural Environment and Rural Communities Act 2006 to have regard to particular living organisms and types of habitat which are of the greatest conservation importance whilst carrying out their functions. This will need to be considered in line with UDP Policies GR7, NCO1 and NC7. Cabinet have also resolved on 27/7/20 that 'that the Tree Strategy can be a material consideration in planning applications.
- 3.9.2 The applicants Arboricultural Impact Assessment indicates that there are a number of trees such as oak, rowan, elder, holly which are low quality and in poor condition which should be removed to facilitate the proposed development. It goes on to recommend that replacement plantings as part of a landscape strategy to provide wider species diversification and interest. In this instance, inspection of the site has confirmed that the vegetation contained within the site generally consists of small scrubby trees, many in poor condition. The understory is also lacking. Though the wider woodland to the North would constitute Priority Habitat, the development site - due to the lesser quality of the vegetation contained within it - would likely not fully meet the criteria.
- 3.9.3 Though the proposed vegetation removal does represent a degree of environmental harm, its lesser quality mitigates the environmental impact somewhat. The site is also of sufficient scale to allow for the retention of some vegetation. Portions of existing vegetation to the East and West ends of the site are those proposed to be retained; as well as minimising tree loss within the site, shall also act appropriately as a wildlife corridor. A landscaping condition would be attached to any approval granted; this would monitor the levels of retained vegetation, plus allow opportunity for appropriate re-planting.
- 3.9.4 When accounting for the poor quality of the vegetation (which is not recognised as Priority Habitat), and the opportunity for some retention and replanting, like for like compensatory planting - as recommended by MEAS and Wirral Wildlife - is not considered proportionate in this instance. All efforts should be made to safeguard the best specimens of trees during and post construction; an appropriately worded planning condition is recommended in this regard. Further appropriately worded planning conditions seek enhancement measures, such as bird boxes, to ensure that there are no unduly adverse wildlife impacts.
- 3.9.5 The Council's Tree Strategy requires planning applications to demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. The selection of new species to be planted will use the "right tree for right place" approach.

- 3.9.6 In terms of the retained vegetation, a portion of this is proposed to the West of the site located behind the detached garages. Due to its distance from the house and its access arrangements, being through the buildings themselves, this portion of curtilage is unlikely to make up the primary garden for the enjoyments of the future occupants. Accordingly, any vegetation proposed to be retained at this location will not unduly impact the occupiers nor - ultimately - give rise to pressure to fell the specimens. The situation is more sensitive to the East of the site, which shall comprise the primary garden area. There will be pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. However, the retained woodland is to the North of the site so actual shading issues would be minimal. Officers are satisfied that a degree of vegetation will be able to be retained and are satisfied to pursue the finer details via a landscaping condition post-determination. On balance the works accord with the applicable landscaping policies (LAN1 and LA7) thus are acceptable.
- 3.10 Neighbouring amenity:
- 3.10.1 In terms of amenity, the Southerly plot (House Type 1) is generally acceptable. The plot is of sufficient size to allow the normal separation distances and is in accordance with the criteria of the UDP. 21m separates the rear wall from the side of neighbouring no.11 Copse Grove to the East. The relationship with the nearest neighbour is that the dwellings would be side to side, which is generally preferable for amenity safeguarding. There is a habitable (bedroom) window to the side elevation which could pose overlooking to the garden of neighbouring no.10. A ground floor kitchen window also faces the neighbouring proposed dwelling to the West. Where these windows are not the primary light source into this room, this fenestration would be instructed via planning condition to be obscure glazed and fixed shut.
- 3.10.2 The Northerly plot (House Type 1 - handed) plot is similar and also generally acceptable. Again, the normal separation distances are achieved with the existing neighbours within Copse Grove. 21m separates the rear wall from the side of neighbouring no.11 Copse Grove to the East. Non-habitable first floor windows (bathroom and landing) shall face the neighbouring property thus are of lesser consequence where overlooking is concerned. Again, a ground floor kitchen window faces the neighbouring proposed dwelling (to the East); though, since not the primary light source into this room, this fenestration should either be omitted or would be instructed via planning condition to be obscure glazed and fixed shut.
- 3.10.3 Retained vegetation is likely to make up (in whole or in part) the boundary treatments for these sites; this shall provide continued screening to adjacent properties, thus bolstering the scenario of privacy. As above, the separation distances are sufficient. In terms of the objections raised in relation to noise and disturbance, it's not considered that the proposal gives rise to detrimental harm in this regard. The levels of disturbance associated with two additional dwellings at this location are not considered unacceptably adverse.
- 3.10.3 Representation cites objection regarding the loss of the green space set aside during the construction of the estate (see 3.7.3, where the visual impact has been discussed). The site is currently overgrown and within the private ownership of the applicant; accordingly, in terms of use, its amenity value is limited to nil. Its loss isn't considered to constitute harm to the enjoyment of existing residents of the Close.

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

Having regards to the individual merits of this application it is recommended that planning permission be granted having regard 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 proposal is not considered to have a harmful visual impact on its surroundings or an

adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal results in the loss of some vegetation, however – due to its poor quality – this vegetation is not recognised as Priority Habitat. Whilst the loss of vegetation is recognised as an environmental harm it's not considered sufficient to warrant the refusal of this application. The proposal complies with NPPF - Requiring Good Design, HS4 - Criteria for New Housing Development and is therefore considered acceptable.

**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 August 10th and 14th and listed as follows: 2020\_P\_10 dated July 2020, 2020\_P\_11 dated August 2020,

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

3. No development or clearance of vegetation shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) Tree protection measures for retained woodland during construction
- a) Pollution control measures to avoid runoff etc. entering the adjacent retained woodland area and the pond located to the north of the site.
- a) Reasonable Avoidance Measures (RAMs) to mitigate risk in relation to both common amphibians and terrestrial mammals

All construction activities shall be implemented in accordance with the approved details and timing of the plan.

**Reason:** To protect features of recognised nature conservation importance on and to comply with Policy NC7 in the Wirral Unitary Development Plan.

4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. The scheme should include indications of all existing trees and hedgerows on the land, and details of those to be retained (to the East and West of the site), together with measures for their protection during development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales

**Reason:** In order to protect the visual amenities of the area and to comply with Policy NC7 in the Wirral Unitary Development Plan.

5. No development shall take place until there has been submitted to and approved by the local planning authority a method statement relating to invasive species. The statement, prepared by a competent person, which includes the following information:

- A plan showing the extent of the plants;
- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring;

and

- How the plants will be disposed of after treatment/removal.

**Reason:** In order to eradicate invasive species from the development site, to prevent the spread of the plant through development works and to accord with the aims of Policy NC01 in the Wirral Unitary Development Plan.

6. Within 3 months of completion of the development hereby permitted, details of bird and bat boxes, to include number, type and location on an appropriately scaled plan, as well as timing of installation, shall be provided to the Local Planning Authority for approval and implemented in accordance with those details.

**Reason:** To mitigate the loss of bird breeding habitat and to increase the availability of bat roosting opportunities in compliance with Policy NC7 in the Wirral Unitary Development Plan.

7. No above ground works shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied.

**Reason:** In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8. Detailed drawings shall be submitted to and approved by the Local Planning Authority prior to the commencement of any above ground works to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent developments.

9. Prior to the first occupation of the dwellings hereby approved, details of the proposed refuse storage including provision for recycling shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure the provision of adequate refuse storage in accordance with Policy WM9 of the Joint Waste Local Plan.

10. No tree felling, scrub clearance or building work 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 the building is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

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

11. All exterior lighting shall be designed and used in accordance with the guidance of the Bat Conservation Trust.

**Reason:** To minimise the impacts on bats and their insect food from excessive light spill onto habitats in line with UDP Policy NC7 and NPPF paragraph 180.

12. The following windows shall not be glazed otherwise than with obscured glass (and fixed shut, top/side hung, opening inwards or outwards) and thereafter be permanently retained as such -

- House Type 1 - Kitchen window inside elevation and Bedroom 2 window inside elevation
- House Type 1 (Handed) - Kitchen window inside elevation

**Reason:** To safeguard the amenities of occupiers of adjoining properties

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015(or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

**Reason:** To safeguard the amenities of the adjoining occupiers & appearance of the area and to accord with Policy GR5 of the Wirral Unitary Development Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015(or any Order revoking or re-enacting that Order) no erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. falling within Part 2, Class A, shall be undertaken on any part of the land.

**Reason:** To safeguard the amenities of the adjoining occupiers & appearance of the area

**Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

**Last Comments By:** 26/09/2020

**Expiry Date:** 09/10/2020

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**Planning Committee**

**14 January 2021**

**Reference:  
APP/20/01435**

**Area Team:  
Development  
Management Team**

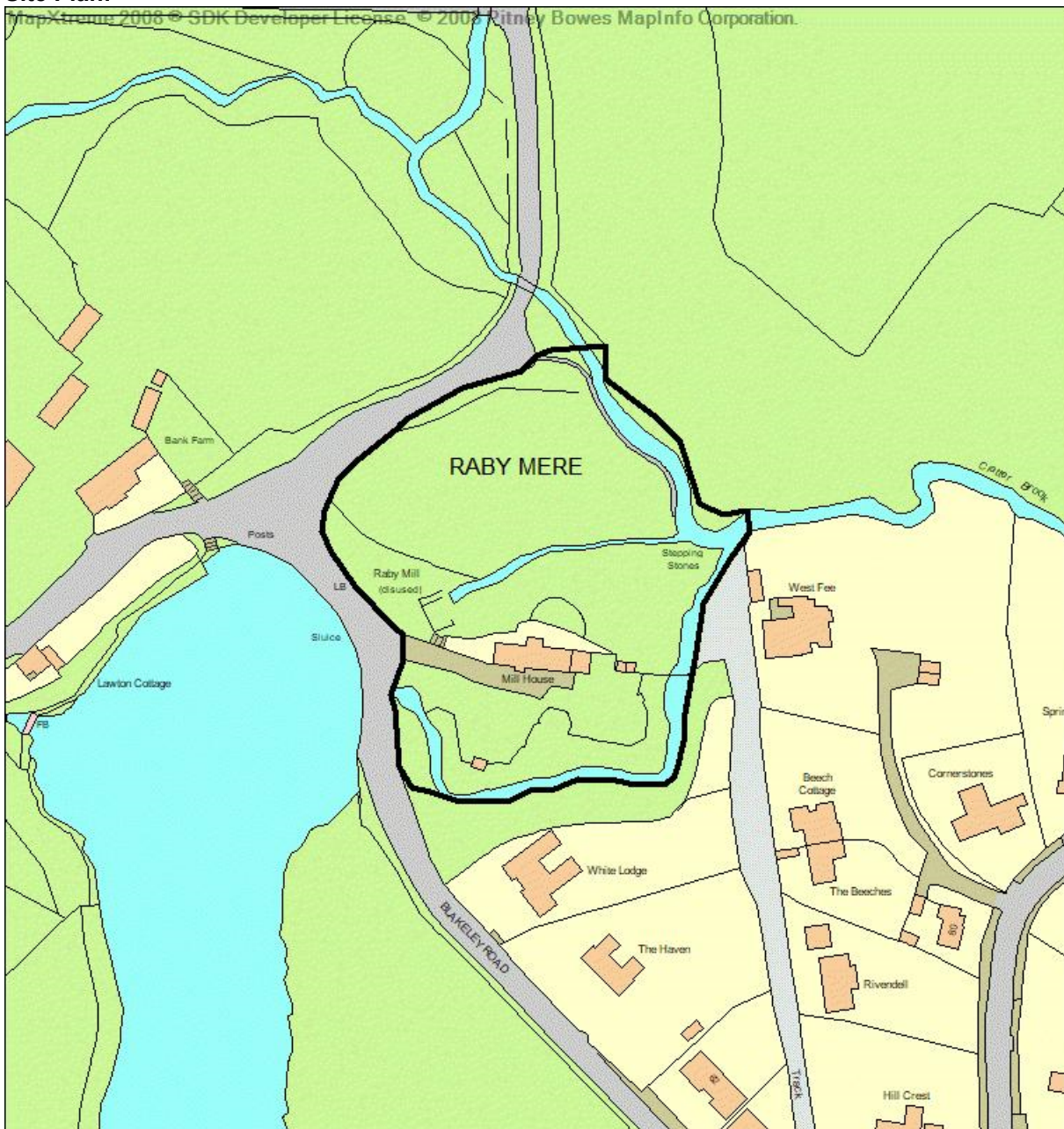
**Case Officer:  
Mr G Roberts**

**Ward:  
Clatterbridge**

**Location:** Mill House, BLAKELEY ROAD, RABY MERE, CH63 0LZ  
**Proposal:** Alterations to existing boundary fencing and entrance gates.  
**Applicant:** Mr Morgan  
**Agent:** Liberty White Associates Limited

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area  
Green Belt  
Site of Biological Importance

**Planning History:**

Location: Mill House, BLAKELEY ROAD, RABY MERE, CH63 0LZ  
Application Type: Full Planning Permission  
Proposal: [AMENDED PLANS] Retrospective planning approval for reduced height 1.8m high close boarded timber fence to boundary with Blakeley Road, new car parking area to south of dwelling, new entrance gates and rendered flank walls and rendered retaining walls.  
Application No: APP/19/01009  
Decision Date: 17/01/2020  
Decision Type: Refuse

Location: Mill House, BLAKELEY ROAD, RABY MERE, CH63 0LZ  
Application Type: Listed Building Consent  
Proposal: Retrospective planning approval and listed building consent for new 2.4m high close boarded timber fence to boundary with Blakeley Road, listed building consent for new car parking area to south of dwelling, new entrance gates and flank walls and new boundary fence as detailed above  
Application No: LBC/19/01010  
Decision Date: 15/10/2019  
Decision Type: Withdrawn

Location: Mill House, Blakeley Road, Raby Mere, Wirral, CH63 0LZ  
Application Type: Full Planning Permission  
Proposal: Erection of a two-storey side extension, two-storey & single storey rear extension, rear dormer window, ground floor balcony and steps.  
Application No: APP/04/07163  
Decision Date: 25/10/2004  
Decision Type: Approve

Location: Mill House, Blakeley Road, Raby Mere, Wirral, CH63 0LZ  
Application Type: Listed Building Consent  
Proposal: Erection of a two-storey side extension, two-storey & single storey rear extension, rear dormer window, ground floor balcony & steps.  
Application No: LBC/04/07031  
Decision Date: 08/10/2004  
Decision Type: Approve

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

Councillor Povall requested that the application be taken out of delegation and referred to the planning committee for the following planning reasons:

1. Height of proposed boundary fence; and
2. Previous planning refusal (ref: APP/19/01009).

**2.0 SUMMARY OF REPRESENTATIONS****2.1 REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications, 7 notifications were sent to adjoining properties. In total 35 objections were received to the application (from 31 households). The planning issues raised can be summarised as follows:

1. Height/Scale;



2. Appearance and design of development and materials proposed;
3. Impact on the character and appearance of the area;
4. Effect on Listed Building;
5. Highways Safety;
6. Drainage and flood risk;
7. Previous planning decision; and
8. Permitted Development Rights for fences fronting a highway.

Additionally, 3 statements of support were received in respect to the proposal.

## 2.2 CONSULTATIONS

**Wirral Wildlife** - No objections

**Merseyside Environmental Advisory Service (Ecology & Archaeology)** - No objections

**Highways** - No objection;

### 3.1 **Reason for referral to Planning Committee**

3.1.1 The application has been referred to Planning Committee at the request of Councillor Povall on the basis of the height of proposed boundary fence being too high, and the outcome of the previous planning application (ref: APP/19/01009).

3.1.2 Additionally, there were 35 objections received to the application (from 31 households), which also triggers the need for the scheme to be determined by the Planning Committee.

### 3.2 **Site and Surroundings**

3.2.1 The application site is located to the east of Blakeley Road and Raby Mere artificial lake and comprises 'Mill House', a Grade II Listed building built sometime between 1600 and 1700, a gravel car parking area and an access taken from Blakeley Road. The rest of the plot is large and wooded in character.

3.2.2 The adjoining plot known as 'West Fee' to the east is located in similarly large grounds, whilst 'White Lodge' to the south is more modest in size. The rest of the site is bounded by Poulton Hall Road to the north, Blakeley Road to the west and the watercourse known as 'Clatter Brook' to the north west. The north and west boundary is currently defined by a 2.4m high close boarded timber fence finished in dark brown wood stain which replaced a smaller post and rail fence in 2018.

3.2.3 The southern half of the application site is designated as Primarily Residential, whilst the northern half is designated as Green Belt. Much of the north east of the site is within Flood Zone 3 (and to a lesser extent Flood Zone 2), whilst the eastern boundary is also within Flood Zone 3. There are also Tree Preservation Areas to the north east of the site (on the eastern side of Clatter Brook) and south west of the site (to the south of Raby Mere and west side of Blakeley Road). Additionally, the area to the north east of the site (on the eastern side of Clatter Brook) is designated as a Site of Special Scientific Interest (SSSI). Raby Mere and the wooded area to its south is a Site of Biological Importance.

### 3.3 **Proposed Development**

3.3.1 This application seeks planning permission to replace the existing 2.4m high close board timber fence which was erected without consent along the site perimeter bounding Blakeley Road and Poulton Hall Road in 2018, with new wall mounted cast iron railings which will have a combined height of 1.8m.

3.3.2 The application also seeks to replace the existing unconsented main entrance metal security gates and flank walls with cast and wrought iron decorative gates with wall mounted railings to either side of the existing unconsented pillars which are proposed to be retained.

3.3.3 Finally, the application seeks to replace the existing double timber rear access gates with the metal security gates taken from the front entrance.

### **3.4 Development Plan**

3.4.1 The following Wirral Unitary Development Plan policies and guidance have been considered in the determination of this planning application:

- Policy LAN1 - Principles for Landscape;
- Policy LA7 - Criteria for Development at the Urban Fringe;
- Policy CH1 - Development Affecting Listed Buildings and Structures;
- Policy GB2 - Guidelines for Development in the Green Belt;
- Policy GB3 – Use of Buildings in the Green Belt;
- Policy GR5 – Landscaping and New Development;
- Policy TL9 - The Protection of Rural Tourist Attractions and Resources;
- Policy NC5 - The Protection of Sites of Local Importance for Nature Conservation;
- Policy NC6 - Sites of Biological Importance; and
- Supplementary Planning Guidance Note 39: Sites of Local Importance for Nature Conservation.

3.4.2 Policy LAN1 advises that in considering proposals for development, the local planning authority will have regard to the visual impact upon the local and wider landscape. Proposals will not be permitted where their visual impact would be inappropriate, in terms of the character, appearance and landscape setting of the surrounding area.

3.4.3 Policy LA7 states that when considering new development at the edge of the urban area or in other locations which would be clearly visible from the open countryside, the Local Planning Authority will pay special regard to the visual impact of the proposals and will require that proposals for boundary treatment are appropriate, in terms of the character of the surrounding landscape, and prominent features within the landscape framework of the area are retained and enhanced.

3.4.4 Policy CH1 states that development likely to affect a building or structure listed under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will be permitted where:

- i. The proposals are of a nature and scale appropriate to retaining the character and design of the building or structure and its setting; and
- ii. Adequate provision is made for the preservation of the special architectural or historic features of the building or structure.

When granting consent, special regard will be given to matters of detailed design, to the nature, quality and type of materials proposed to be used, and to the need for the alteration or development proposed, in terms of securing the viable, long-term future of the building or structure.

3.4.5 Policy GB2 indicates that within the Green Belt there is a general presumption against inappropriate development and such development will not be approved except in very special circumstances. Planning permission will not be granted for development in the Green Belt unless it is for the purposes of (inter alia) the limited alteration of existing dwellings, subject to Policy GB4 and Policy GB5, and subject to such appropriate development not damaging the visual amenities of the Green Belt by virtue of its siting, materials or design.

3.4.6 Policy GB3 states that proposals which do not involve intrusive boundary walling, fencing or introduce intrusive domestic elements will be permitted.

3.4.7 Policy GR5 states that proposals should provide for the protection, replacement or enhancement of existing feature such as ponds, trees, bushes, shrubs or hedges including, where relevant, appropriate boundary treatment.

3.4.8 Policy TL9 sets out a number of features which form part of the Borough's special attractiveness for tourism, based upon the quiet enjoyment of the Wirral coast, landscape and open countryside. These include areas of interest for nature conservation. Proposals which would prejudice the continued attractiveness of these features for tourists and visitors

or which would cause demonstrable harm to the special character of the resources and attractions will not be permitted.

- 3.4.9 Policy NC5 states that the LPA will protect habitats of special local importance for nature conservation where they represent scarce, rare or threatened habitat, good examples of habitats typical to Wirral, diverse or rich habitats which actively support a wide range of important species, or areas known to provide for the shelter, breeding or foraging of legally protected species.

In evaluating proposals which may affect such habitats the Local Planning Authority will in particular consider:

- i. The nature, layout, and density of development proposed;
- ii. The impact on the long-term ecological viability of the habitat affected;
- iii. The appropriateness of measures taken to minimise damage to the habitat and disturbance to wildlife; and
- iv. The appropriateness of provision for the future maintenance of the site.

Development affecting such habitats will only be permitted where the LPA is satisfied that the continued ecological viability of the habitat or wildlife interest of the site can be adequately safeguarded by means of appropriate conditions and/or legal agreements.

Appropriate conditions will include the retention of linkages to other wildlife sites within the surrounding area.

- 3.4.10 Policy NC6 includes Raby Mere as an area of special local importance for nature conservation. Proposals which have potential to damage or disturb the habitat or wildlife interest of these sites will be dealt in accordance with Policy NC5.

- 3.4.11 SPG39 supplements Policy NC5 and identifies Raby Mere as a Site of Biological Importance which it states includes one of Wirral's few large bodies surrounded by semi-natural woodland with acidic flora and significant value for ornithology and nationally rare species.

### **3.5 Other Material Planning Considerations**

- 3.5.1 The revised National Planning Policy Framework is a material planning consideration in the determination of this planning application.

- 3.5.2 Paragraph 124 advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live and work.

- 3.5.3 Paragraph 127 states that planning decisions should ensure that developments (inter alia):
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and
  - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 3.5.4 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 3.5.5 Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very

special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 3.5.6 Paragraph 145 advises that LPAs should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (inter alia) the alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 3.5.7 Paragraph 184 states that Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 3.5.8 Paragraph 192 states that in determining applications, LPAs should take account of:
- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.5.9 Previous planning refusal ref: APP/19/01009 is a material planning consideration. Following the erection, in lieu of planning permission, of the 2.4m high close board timber fence, this application sought approval for a reduced height 1.8m close board timber fence. The application was refused at planning committee following a recommendation from the planning officer to approve the scheme. Following the refusal, the site was subject of planning enforcement action (ref: ENF/19/00106) requiring the fence and entrance gates be reduced to 1.5 metres. This work has yet to take place pending the outcome of the current application.

### **3.6 Assessment**

- 3.6.1 The main issues pertinent in the assessment of the proposal are;
- Objections;
  - Principle of development (appropriateness of development within the Green Belt and Primarily Residential Area);
  - Design;
  - Heritage;
  - Highways;
  - Ecology;
  - Arboriculture;
  - Flooding/drainage; and
  - Amenity.
- 3.7 Objections:
- 3.7.1 In total there were 35 objections received to the application (from 31 households). The planning issues raised can be summarised as follows:
1. Height/Scale;
  2. Appearance and design of development and materials proposed;
  3. Impact on the character and appearance of the area;
  4. Effect on Listed Building;
  5. Highways Safety;
  6. Drainage and flood risk;
  7. Previous planning decision; and
  8. Permitted Development Rights for fences fronting a highway.

Additionally, 3 statements of support were received in respect to the proposal.

- 3.7.2 Councillor Povall requested that the scheme be taken out of delegation and referred to the

planning committee for the following planning reasons:

1. the height of proposed boundary fence being too high; and
2. the outcome of the previous planning application (ref: APP/19/01009).

3.7.3 The 8 planning issues raised by the objectors to the scheme (including the 2 raised by Councillor Povall) will be considered and addressed in the following sections.

3.8 Principle of Development:

3.8.1 The majority of the site is designated as part of the Green Belt in the Wirral Unitary Development Plan, where UDP Policy GB2 make provision for appropriate development which does not damage visual amenity by virtue of its siting, materials or design. Whilst the proposal is not for the re-use of a building, UDP Policy GB3 permits such development which does not involve intrusive boundary walling, fencing or intrusive domestic elements. Appropriate boundary treatment is also permitted under UDP Policies GR5 and LA7, which are also applicable on the urban fringe and within the Primarily Residential Area.

3.8.2 The principle of a fence in the Green Belt can be acceptable subject to the considerations detailed below and compliance with the NPPF. Paragraphs 145 and 146 permit appropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

3.8.3 Special regard is also to be given to detailed design and quality materials where development would affect the setting of a listed build under the terms of UDP Policy CH1.

3.9 Design and Scale:

3.9.1 The scale and design of the development is not considered detrimental to the character and appearance of the host dwelling, street scene or the surrounding area. The materials and design of the following elements are considered to compliment the materials and design features found elsewhere in the locality:

1. cast iron railings and posts mounted on a dwarf wall made up of imperial facing brick and sandstone coping stone course (combined height of 1.8m, 1.97m including the depth of the lower fixing plate that will be bolted below ground level);
2. cast and wrought iron front entrance gates, with golf leaf paint finish to the top feature detail;
3. existing facing brick flank walls; and
4. rear metal security gates (currently the front gates).

Furthermore, it is considered that the railings and front entrance gates, with their open appearance, are an improvement on the existing unconsented 2.4m high wooden fence and front security gate, the earlier timber front gates, and it is considered that they are more sympathetic to the earlier post and rail boundary treatment by virtue of their visual permeability, albeit they are taller, but not unreasonably so from a planning perspective.

3.9.2 There is no specific policy provision for the design of boundary treatments in the Wirral's UDP, notwithstanding this fact the wall mounted railings have been tested under Policies GB2, GB3, GR5, LAN1 and LA7 and deemed acceptable. It is not considered that the railings visual impact upon the character, appearance and landscape setting of the surrounding area can be categorised as inappropriate. Appropriate materials have been utilised which are replicated elsewhere in the area. Therefore, it is not considered that the railings are an alien feature in this context or that they have a significant adverse impact on the character, appearance or setting of the Mere.

3.9.3 Policy LA7 discusses the visual impact of new development at the edge of the urban area or in locations which would be clearly visible from open countryside and requires prominent features within the landscape framework of the area to be retained and enhanced. It is not considered that the relatively enclosed Mill house is an especially prominent feature in the landscape when viewed, for example, from the footpath on the opposite side of the Mere, particularly in the summer months, although it is accepted that it is more visible during the

winter months when the trees are bare, particularly along the Blakeley Road frontage. Notwithstanding this fact, there is no question that the property, being Grade II Listed, is a significant, if not especially prominent, historic building within this setting, and if the intention of Policy LA7 is to ensure that prominent features within the landscape framework of the area are enhanced, then the proposal, like the earlier post and rail fence, ensures visual permeability and openness, despite its greater height. And in the case of the provision of the cast and wrought iron front gates, relative to the earlier timber gates (and the current unconsented metal security gates), this element clearly enhances the prominence of the Grade II Listed Mill House, by improving the visibility of the house from the surrounding countryside.

3.9.4 The character of the surroundings is undoubtedly green, wooded and natural, opening out into the area filled by the aesthetically pleasing Raby Mere. It is considered that the Mere is the feature which one's eyes are drawn to upon arrival or in passing this space, and that the proposal, which is a significant improvement of the previously refused 1.8m high close board timber fence, and the extant unconsented 2.4m high close board timber fence, would not detract from any of these characteristics, given its open appearance which will allow the trees and greenery behind to be visible. It is not therefore considered that the setting of the Mere would be materially harmed by the presence of the proposed wall mounted railings.

3.9.5 Overall, the design and scale of the wall mounted railings, the gates and retained pillars comply with the requirements of Policies GB2, GB3, GR5, LAN1 and LA7 and the provisions of the revised NPPF and are therefore considered to be acceptable.

### 3.10 Heritage:

3.10.1 There is no evidence of the what the original boundary treatment was for the site, but the proposed railing design is a vast improvement to the close boarded fence. The views of Mill House are limited from Poulton Hall Road due to the mature vegetation and the site becomes more visible from Blakeley Road as the road widens and the setting of the lake is more open. Therefore, given the positive contribution Mill House makes to the setting of the area, no harm will be caused by the height and open appearance of the railings. Views into the site will be maintained and the proposed boundary treatment would preserve the character and appearance of the listed building.

3.10.2 The Conservation Officer confirmed that she has no objections.

3.10.3 On this basis, it is considered that the proposals will not have an adverse impact on the significance of the Grade II Listed Mill House or on its setting. The development is therefore considered to comply with Policy CH1 and the provisions of the revised NPPF.

### 3.11 Highways:

3.11.1 There are no Highway Implications relating to this proposal. Highways were consulted but raised no objections with regards to traffic management or road safety commenting that the proposals are all contained within the private boundary and do not encroach onto the adopted highway. The gates are unlikely to have any significant impact on the highway and are considered to replace existing facilities at the entrance and exit points into the property.

3.11.2 In view of this advice, it is not considered that highways safety is an issue meriting the refusal of this scheme as no highways concerns have been identified.

### 3.12 Ecology:

3.12.1 There are no Ecological issues relating to this retrospective application. Merseyside Environmental Advisory Service (MEAS), Wirral Wildlife and Natural England were all consulted, but no objections were raised.

3.12.2 In the absence of any objections from these bodies, it is not considered that there are any ecological issues warranting the refusal of the application. The development is considered to comply with Policies NC5 and NC6 and SPG39.

### 3.13 Arboriculture:

- 3.13.1 This is a tree lined boundary. The trees make an important contribution to the character and amenity of The Mere. Trees adjacent to the main entrance should be unaffected by the proposals. It is unclear whether the wall (which would require a concrete foundation strip) is to continue around the whole boundary or whether the metal fencing only will constitute the majority of the boundary. A post and rail fence will have less potential impact on the trees along the boundary. There are trees standing adjacent to the existing road boundary that overhang the road that may require pruning. Young trees may require removal to facilitate the new boundary. The boundary may have to be altered to accommodate larger boundary trees (e.g., discontinuous footings and bridging lintels). Overall, the impact to the amenity could be kept to a minimum. The overall effect on the trees from the existing fencing seems to have been minimal. Some tree pruning may be necessary to enable to new boundary treatment to be installed.
- 3.13.2 A condition requiring the submission and approval by the LPA of an Arboricultural Impact Assessment (AIA) and, dependent on the findings of the AIA, a method statement, prior to the commencement of any boundary works, is conditioned. A condition relating to prohibited activities as also been added.
- 3.14 Flooding/drainage:
- 3.14.1 The Environment Agency Flood Map and the Council's constraints mapping confirm that a small section of the proposal (the northernmost section of the proposed boundary including the rear metal security gates to the lower garden) is located within Flood Risk Zone 2 and/or 3, meaning that this section of the site perimeter is liable to flooding (as is a large part of the lower garden which is also located in Flood Zone 2 or 3 given its proximity to Clatter Brook).
- 3.14.2 It is unlikely that any changes/alterations to boundary treatment will impact on liability for flooding.
- 3.15 Amenity:
- 3.15.1 In terms of amenity, it is considered that the development is not so extensive as to be overbearing or have any other amenity impact in relation to neighbouring properties.
- 3.15.2 Public amenity similarly is not considered to be materially harmed by the development. Raby Mere's landscape can still be quietly enjoyed as an area of interest for nature conservation as before. It is not considered that this development prejudices the continued attractiveness of these features for tourists and visitors to the Mere or causes demonstrable harm to the special character of the Mere as a resource or attraction. In view of this it is considered that the development complies with Policy TL9.
- 3.16 Previous Planning Refusal and Permitted Development Rights:
- 3.16.1 Following the refusal of the previously proposed reduced height 1.8m close board timber fence (ref: APP/19/01009) by the planning committee, the applicant was instructed to reduce the height of the unconsented 2.4m high close board timber fence to 1.5m. Notwithstanding this fact, the recommendation of the case officer had been that the reduced height of 1.8m was, on balance, acceptable in planning terms. This remains the case in this instance, albeit the proposal is considered to be an improvement on the previously refused scheme in overall terms.
- 3.16.2 The permitted development rights relating to gates, fences and walls of 1m above ground level when fronting a highway and 2m above ground level in any other case are the maximum gate, fence or wall heights which benefit from deemed planning permission. Gates, fences and walls which are higher than these maximums are subject to planning permission by the Local Planning Authority having regard for factors such as scale, appearance, amenity impact etc.
- 3.17 Conclusion  
The proposed boundary treatment is largely located in the Green Belt (but for the cast and wrought iron main gates and wall mounted railings stretching from the main gates to the boundary with White Lodge which form the boundary with the Primarily Residential Area). It is considered that the wall mounted railings and gates are limited alterations and that they

do not damage the visual amenities of the Green Belt by virtue of their siting, materials or design (particularly given their relative transparency). The railings and gates are therefore considered to be acceptable having regard to UDP Policies GB2, GB3 and GR5 and the NPPF.

### Summary of Decision:

Having regards to the individual merits of this application it is recommended that planning permission is granted 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 scheme for which planning permission is sought is considered to be acceptable in terms of its appearance and scale. The proposal is considered not to have a detrimental impact on the character and appearance of the Grade II Listed host dwelling, the street scene or the surrounding area, nor is it considered to have a detrimental impact on the amenities of neighbouring properties, highway safety, local biodiversity or Green Belt. The proposal complies with relevant Development Plan Policies and Guidance, the provisions of the revised National Planning Policy Framework, and is therefore considered to be acceptable.

**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 (17 December 2020) and listed as follows: (drawing refs: 'Proposed Main Entrance Gates Rev.1', 'Proposed Rear Entrance Gate and Fencing Rev.2', and 'Proposed Site Plan Rev.1', dated: 17 December 2020)

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

3. Development shall not commence until full details of the boundary treatment have been submitted for written approval by the local planning authority prior to the commencement of works. These shall include cross sectional drawings illustrating the thickness of the railings at 1:1 or 1:2, cross section drawings of the boundary treatment (wall and railings) scale 1:20 and elevational section details at 1:20 scale (or similar) of the wall itself. The development shall be implemented in accordance with the approved details.

**Reason:** To protect the significance of the heritage asset to comply with Policies CH1 of Wirral's UDP and the NPPF.

4. No works or development shall take place until a scheme for the protection of the retained trees - The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:

- a). the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule;
- b). a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837)



of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan;

c). a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree Work-Recommendations.

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

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

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

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

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

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

i). the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity;

j). the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837);

k). the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall then be carried out strictly in accordance with the approved Arboricultural Method Statement.

**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.

5. The Arboricultural Impact Assessment (and, if required, Arboricultural Method Statement), full details of boundary treatment, and a Construction Method Statement shall be submitted to the Local Planning Authority for approval within 2 months of the date of this planning permission. Thereafter, works to replace the existing 2.4m high close boarded timber fence with the approved 1.8m wall mounted railings shall commence no later than 4 months from the date the application was granted.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policies LAN1, LA7, CH1, GB2 and TL9 of the Wirral Unitary Development Plan.

6. 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 a used and located not within 10 metres of any Root Protection
- f. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g. No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

**Reason:** To ensure the protection of existing trees and shrubs to be retained and to comply with Policy GR7 of the adopted UDP.

**Further Notes for Committee:**

**Last Comments By:** 05/12/2020  
**Expiry Date:** 30/12/2020