



## Planning Committee

<b>Date:</b>	<b>Thursday, 18 March 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>

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

To approve the accuracy of the minutes of the meeting held on 11 February 2021.

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

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

**3. APP/20/00891: LAND AT CHICKEN CORNER FARM, RABY MERE ROAD, RABY, CH63 4JQ - DEMOLITION AND REMOVAL OF EXISTING COMMERCIAL BUILDINGS AND STRUCTURES (USE CLASSES B1, B2, B8, D2 AND SUI GENERIS) AND THE ERECTION OF SIX DWELLINGS (USE CLASS C3) WITH ALTERATIONS TO EXISTING VEHICULAR ACCESS AND FORMATION OF PARKING AND SITE LANDSCAPING (Pages 5 - 22)**

**4. OUT/20/01800: RONAN, 4 SANDFIELD PARK, HESWALL, CH60 9HX - OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF TWO DETACHED DWELLINGS (Pages 23 - 40)**

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## PLANNING COMMITTEE

Thursday, 11 February 2021

Present:

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

### 26 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 14 January 2021 for approval.

**Resolved – That the minutes of the meeting held on 14 January 2021 be approved.**

### 27 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.

Councillor S Foulkes declared a personal interest in respect of Item 5 – APP/20/01065: Land to the rear of 9 & 10 Copse Grove, Irby – by virtue of having been involved in a historic decision in this matter (minute 28 refers).

### 28 APP/20/01065 - LAND TO THE REAR OF 9 & 10 COPSE GROVE, IRBY, CH61 4YP

Councillor S Foulkes declared a personal interest in respect of this matter (minute 27 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 A Gardner that the application be refused.**

**The motion was put and carried (8:2).**

**Resolved (8:2) – That the application be refused for the following reason:**

The Local Planning Authority consider the site to be an area of visual importance to the locality and wider area. UDP policy GRE1, paragraph (iv), seeks to protect land with local amenity value. The Local Planning Authority considers development of the area would be harmful to local amenity contrary to GRE1 (paragraph (IV)) and the principles of the National Planning Policy Framework.

29 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – PLANNING APPLICATIONS FOR CALENDAR YEAR 2020**

The Director for Regeneration and Place submitted a report updating Members on the performance of the Development Management Service with regard to determining planning applications.

The report outlined performance against government targets in terms of the speed of processing all applications.

It was reported that during 2019/20 the Service had surpassed the requirements for all targets in each category of applications.

Councillor Foulkes expressed his thanks to Councillor Davies for his work as Cabinet Member for Housing and Planning in securing the extra resources for the Development Management Service and stated that the report showed that the Council provided an efficient planning service.

The Chair reiterated the fact that the first three quarterly performance remained consistently high in a particularly difficult year and thanked officers for their hard work in achieving this performance.

**Resolved – That the report be noted and that officers be thanked for their hard work in achieving a high level of performance.**

30 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – PLANNING APPEALS**

The Director for Regeneration and Place submitted a report to update Members on the performance of the Development Management Service regarding planning appeals and specifically the percentage of the Council's decisions overturned (on appeal) by the Planning Inspectorate.

The Principal Planning Team Leader reported that costs were put forward for four cases and no costs were awarded for any case which had resulted in 100% success.

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

31 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - ENFORCEMENT ACTIVITY FOR CALENDAR YEAR 2020**

The Director for Regeneration and Place submitted a report to update Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period 1 January 2020 to 31 December 2020.

Members were advised that the performance of the enforcement service would be reported to the Planning Committee on a quarterly basis in future.

The Assistant Director, Chief Planner reported that 366 new cases had been opened between 1 January 2020 and 31 December 2020 and that during this period 340 cases had been closed and that the pandemic had led to some delays in commencing investigations in some cases, such as those that required an internal inspection of a building and that these cases would be progressed when it would be safe to do so.

The report outlined some examples of key successes achieved during 2020 which included the Hamilton Square Project, an updated Planning Enforcement Policy, Hillbark Hotel, Frankby, 34 Stanley Road, Hoylake and 1 Belford Drive, Moreton.

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

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# Agenda Item 3

**Planning Committee**

**18 March 2021**

**Reference:**  
**APP/20/00891**

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

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

**Ward:**  
**Clatterbridge**

**Location:** Land at Chicken Corner Farm, RABY MERE ROAD, RABY, CH63 4JQ  
**Proposal:** Demolition and removal of existing commercial buildings and structures (Use Classes B1, B2, B8, D2 and Sui Generis) and the erection of six dwellings (Use Class C3) with alterations to existing vehicular access and formation of parking and site landscaping.

**Applicant:** Mr and Mrs Pritchard  
**Agent :** Grimster Planning Ltd

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Green Belt

**Planning History:**

Location: Chicken Corner Farm, Raby Mere Road, Raby Mere. L63 4JQ  
Application Type: Full Planning Permission  
Proposal: New vehicular access, erection of stables, cattery, office, store and extension for light agricultural engineering purposes.  
Application No: APP/93/06248  
Decision Date: 21/09/1993  
Decision Type: Approve

Location: Chicken Corner Farm, Raby Mere Road, Raby. L63 4JQ  
Application Type: Full Planning Permission  
Proposal: Conversion of agricultural building to dwelling, formation of new dormer, windows and roof lights.  
Application No: APP/93/05869  
Decision Date: 08/10/1993  
Decision Type: Approve

Location: Chicken Corner Farm, Raby Mere Road, Raby. L63 4JQ  
Application Type: Listed Building Consent  
Proposal: Conversion of agricultural building to dwelling, formation of new dormer, windows and roof lights.  
Application No: LBC/93/05868  
Decision Date: 08/10/1993  
Decision Type: Approve

Location: Chicken Corner Farm, Raby Mere Road, Raby, Wirral, CH63 4JQ  
Application Type: Prior Notification of Agricultural Works  
Proposal: Erection of a hay barn  
Application No: AGN/99/06619  
Decision Date: 08/10/1999  
Decision Type: Prior approval is not required

Location: Chicken Corner Farm, Raby Mere Road, Raby, Wirral, CH63 4JQ  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey rear extension, alterations to dwellinghouse, demolition of one stable block and formation of rear garden area  
Application No: APP/01/05790  
Decision Date: 26/06/2001  
Decision Type: Approve

Location: Chicken Corner Farm, Raby Mere Road, Raby, Wirral, CH63 4JQ  
Application Type: Listed Building Consent  
Proposal: Erection of a single storey rear extension, alterations to dwellinghouse, demolition of one stable block and formation of rear garden area.  
Application No: LBC/01/05791  
Decision Date: 26/06/2001  
Decision Type: Approve

Location: Chicken Corner Farm, Raby Mere Road, Raby, Wirral, CH63 4JQ  
Application Type: Full Planning Permission  
Proposal: Rebuilding of a garden shed  
Application No: APP/06/05327  
Decision Date: 07/04/2006  
Decision Type: Approve

Location: Agrid Engineering, Chicken Corner Farm, Raby Mere Road, Raby, Wirral, CH63 4JQ  
Application Type: Full Planning Permission



Proposal: Alterations and extension to existing workshop  
Application No: APP/06/06601  
Decision Date: 18/05/2007  
Decision Type: Approve

Location: Chicken Corner Farm, Raby Mere Road, Raby, Wirral, CH63 4JQ  
Application Type: Full Planning Permission  
Proposal: Demolition of existing offices and erection of extension to existing stables to form new offices and extension to cattery.  
Application No: APP/08/06624  
Decision Date: 11/11/2008  
Decision Type: Approve

Location: Chicken Corner Farm, RABY MERE ROAD, RABY  
Application Type: Listed Building Consent  
Proposal: Erection of a single storey rear extension  
Application No: LBC/10/01101  
Decision Date: 17/11/2010  
Decision Type: Approve

Location: Agrid Fabrications, Chicken Corner Farm, RABY MERE ROAD, RABY, CH63 4JQ  
Application Type: Full Planning Permission  
Proposal: Change of use from office and barn to D2 use.  
Application No: APP/12/00744  
Decision Date: 02/08/2012  
Decision Type: Approve

Location: Chicken Corner Farm, RABY MERE ROAD, RABY, CH63 4JQ  
Application Type: Full Planning Permission  
Proposal: Extension of time for approved application LBC/10/1101- Erection of a single storey rear extension  
Application No: APP/13/01039  
Decision Date: 02/10/2013  
Decision Type: Approve

Location: Chicken Corner Farm, RABY MERE ROAD, RABY, CH63 4JQ  
Application Type: Listed Building Consent  
Proposal: Replace front Windows and re thatch roof  
Application No: LBC/19/00807  
Decision Date: 13/09/2019  
Decision Type: Approve

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

### **1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

### **2.0 SUMMARY OF REPRESENTATIONS**

2.1 Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to six addresses on 29 July 2020. As a scheme affecting the setting of a listed building, and as a potential departure from the development plan if approved, the application was also publicised with site and press notices. The deadline for receipt of representations passed on 30 August 2020.

### **REPRESENTATIONS**

Four representations in objection were received to the public consultation comprising detailed comments from The Irby, Thingwall and Pensby Amenity Society in association with Wirral Green Spaces Alliance, Thornton Hough Community Trust, and the Wirral

Society, along with one individual objection. The comments made can be summarised as follows:

Irby Thingwall and Pensby Amenity Society with Wirral Green Spaces Alliance

- Development would result in the loss of rural jobs and businesses
- Residents would be reliant on the car for journeys, making the location unsuitable
- A lack of footway along the highway means that access cannot be safely achieved
- The dwellings would be large family houses, not affordable houses
- The increased height of development causes a loss of openness in the Green Belt
- The introduction of domestic gardens causes landscape and biodiversity harm
- The dwellings are not designed appropriately for their context
- Criticisms are made of the conclusions of the planning statement and design and access statement.

Thornton Hough Community Trust

- Development would result in the loss of rural businesses
- There is no pavement and street lighting and residents would be reliant on the car for journeys, making the site unsustainable for housing
- The site is an isolated location in the countryside and should not be used for housing
- Development would have a significant adverse effect on the openness of the green belt
- Development would have a detrimental effect on the setting of the Listed Building
- Development would not contribute to the supply of affordable housing.

Wirral Society

- The application comprises the inappropriate demolition and replacement of farm buildings, not their re-use, contrary to the policies of the UDP
- The development is otherwise not in accordance with the policies of the UDP and the objectives of the National Planning Policy Framework
- Development here could set an unfortunate precedent for the further inappropriate development of Green Belt sites.

The individual objection expresses concerns that the existing use provides much needed employment and the site has been allowed to develop from a farm only on this basis, that the proposed scheme extends beyond the previously developed part of the site, and that the scheme comprises inappropriate development in the Green Belt and does not meet policy exemptions. The harm caused by development would outweigh the benefits.

CONSULTATIONS

**Arboricultural Officer** - No comments received

**Conservation Officer** - The proposed development to demolish these modern commercial buildings is acceptable they bear no relationship with the listed property and neither contribute to their significance. The proposed development to erect six dwellings and associated parking and landscaping is acceptable. The space that is created immediately around Chicken Corner Farm provides its immediate setting, to which the visual separation from the commercial buildings was lost. Therefore the setting and increased separation further enhances and preserves the setting of the listed buildings, allowing you to appreciate the listed building and its significance to the site, as such complies with policy CH1 and the NPPF.

Initially there were concerns regarding the scale in that the height in that the buildings would probably read better as 1.5 storey, however when considering the development altogether, the houses are set back from the highway in the middle of the site, the design modern with a traditional agricultural twist using a palette of materials. Along with the improved setting to the listed building this counterbalances this scale concern. Taking these matters together the proposed scheme is not considered to cause harm to the setting or significance of the designated heritage asset, either substantial or less than substantial, in compliance with the requirements of saved UDP policy CH1 and the objectives of section 16 of the NPPF.

**Environmental Health** - No objections raised.

**Highways** - Following submission of a speed survey and revised plans demonstrating the provision of a suitable visibility splay no objections are raised to the access arrangements. The proposed amendments to the existing access point will require approval under a Highways Licence and a condition will be required to secure a highways construction management plan.

**MEAS** - The scale and location of the proposals mean that development here would be unlikely to harm the interest features of international and national designated nature conservation sites. Adverse effects on protected species on or in the vicinity of the site can be avoided through the use of planning conditions, which can also be used to secure biodiversity enhancement.

**Wirral Wildlife** - The findings of the submitted ecological assessments are accepted and harm can be avoided through the use of planning conditions.

### **3.1 Site and Surroundings**

3.1.1 Chicken Corner Farm comprises a Grade II Listed 18th Century detached dwelling with domestic garden along with land to the north and east which, since the mid 20th century has been developed from agricultural land with a range of single storey stables and sheds now in use for commercial purposes as a cattery, gym and fencing contractor's depot, along with associated open storage and hardstandings. The site with the exception of the existing dwelling and its garden comprises previously developed land within the Green Belt and is accessed from the south via Raby Mere Road. The site is bordered to the west by Willaston Road and to the north and east by fields bounded by hedgerows with some hedgerow trees. The surrounding landscape is generally flat and in use for agricultural purposes.

### **3.2 Proposed Development**

3.2.1 Full planning permission is sought for the demolition of all existing commercial buildings and redevelopment of the site (with the exception of the listed dwelling and its associated garden) to comprise six two-storey dwellings (3x 3bed and 3x 4bed) with associated car parking and domestic gardens, along with an extension to the domestic garden of the existing listed dwelling. Vehicular access to the site will be taken from the existing location on Raby Mere Road. The application site comprises only that land which meets the NPPF definition of previously developed, being previously occupied by commercial buildings and associated hardstanding, and does not extend into any grassed land outside this previously developed area.

### **3.3 Development Plan**

3.3.1 Principles for development in the Green Belt are set out under saved Policy GB2 of the Wirral Unitary Development Plan. The policy confirms that 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 one or more of five specific purposes. The policy permits the redevelopment of existing developed sites but only where those sites are 'major' and identified under policy GB9. As this site is not major and listed under the policy its redevelopment would be contrary to policy GB2. Therefore the proposal is a departure from the development plan.

3.3.2 Should redevelopment of the site for housing be considered acceptable, although not within a Primarily Residential Area it will primarily be assessed on the criteria under saved UDP policy HS4 with the following criteria being relevant.

- That the proposal is of a scale which relates well to surrounding property, in particular with regard to existing density and form,
- That the proposal does not result in a detrimental change in the character of the area,
- That access and servicing is capable of satisfactory provision, particularly for off-street parking, garaging and vehicular access,

- That the scheme includes appropriate landscaping and boundary treatment that relates the proposed development to its surroundings, paying regard to the maintenance of existing natural features and vegetation,
- That the scheme includes provision of design features which contribute to a secure environment and reduce the likelihood of crime, and
- The provision of adequate private or communal garden space for each dwelling.

3.3.3 UDP Part 1 Policy LAN1 states 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.

3.3.4 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.

3.3.5 Saved UDP policy CH1 governs development affecting Listed Buildings and structures. It notes that such development 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.

3.3.6 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.

3.3.7 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.

3.3.8 Saved UDP policy PO5 confirms that development proposals on land known or suspected to be contaminated will be required to incorporate a detailed ground survey. Where appropriate, planning conditions or a legal agreement will be used to ensure that satisfactory treatment is carried out either before development takes place, or as part of an agreed phased programme of treatment and development.

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

3.4.1 The Borough does not currently have a five-year housing supply and UDP Policy GB2 does not cover the exception for redevelopment of previously developed land at NPPF paragraph 145(g) Therefore the presumption in favour of sustainable development at NPPF paragraph

11(d) is engaged unless:

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- ii) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In this instance the site is on land designated as green belt and includes a designated heritage asset, areas and assets defined under footnote six as being of particular importance.

3.4.2 Proposals affecting the Green Belt are assessed under paragraphs 143 to 147 of the Framework:

- Local Planning Authorities should ensure that 'substantial weight' is given to any harm to the Green Belt.

- The construction of new buildings should be regarded as 'inappropriate' unless one or more of seven exemptions apply. In this instance the applicant is relying on exemption (g), that the application comprises the limited infilling or the partial or complete redevelopment of previously developed land (whether redundant or in continuing use) which would not have a greater impact on the openness of the Green Belt than existing development.

- Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

- Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.

3.4.3 When assessing planning applications affecting Listed Buildings or their setting, LPAs must have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses, as set out at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.4.4 Applications affecting listed buildings are assessed against paragraphs 189 to 192 of the Framework, with the impacts of development assessed against paragraphs 193 to 202. In particular, but not limited to:

- 'Great weight' should be given to the conservation of the Listed Building irrespective of the level of harm which may amount from development.

- Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

- Where a proposal will lead to less than substantial harm to significance, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.4.5 Section 12 of the Framework 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.

- 3.4.6 The NPPF seeks to make the most efficient use of land and notes that 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. (para123). The Framework does recognise that, amongst other matters, the desirability of maintaining an area's prevailing character and setting should be taken into account, as well as the importance of securing well designed, attractive and healthy places. (para122)
- 3.4.7 Paragraph 108 of the Framework expects development to ensure that appropriate opportunities to promote sustainable transport modes are taken up given the type of development and its location; that safe and suitable access to the site can be achieved for all users and that any significant impacts of development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 is 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 would be severe.
- 3.4.8 Paragraph 175 of the Framework expects significant harm to biodiversity arising from development to be avoided (through locating on an alternative site with less harmful impacts). If this cannot be achieved and the harm cannot be adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

### **3.5 Assessment**

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

- The Principle of Development
- Assessment against Green Belt Policy
- Effect on the setting and significance of Listed Building
- Accessibility, Highways and Transport
- Design and Layout
- Residential Amenity
- Ecology and Biodiversity
- Other Material Considerations
- Planning Balance and Conclusion

### 3.6 Principle of Development:

3.6.1 The application is a departure from the Wirral Unitary Development Plan as UDP Policy GB2 makes no provision for the proposed development.

3.6.2 The National Planning Policy Framework expands the list of exemptions for development in the Green Belt and, as the NPPF is more up to date than the UDP its exemptions are given greater weight than those contained within UDP Policy GB2. The NPPF does allow the redevelopment of any previously developed land within the Green Belt provided that the redevelopment does not have a greater impact on the openness of the Green Belt than the existing development. Subject to meeting this requirement, the principle of redeveloping the site can be accepted.

3.6.3 The principle of redeveloping the site for housing in particular will need to be assessed having regard to the sustainability of the location and accessibility to jobs, shops and services, and whether the site is considered to be an isolated location in the countryside. If not, then the principle of redevelopment for housing can be accepted subject to site specific material considerations comprising the effect on the setting of the adjacent Listed Building, the highways, visual and residential amenity, and ecological impacts of development.

### 3.7 Assessment against Green Belt policy

3.7.1 The application site comprises buildings and hardstanding in use for business and

commercial purposes, along with stabling and an outdoor riding arena in equestrian use. Such uses meet the definition of previously developed land set out in the glossary of the NPPF and as such, it is accepted that paragraph 145(g) of the Framework is applicable to this site. Its redevelopment can be acceptable subject to the development proposal not having a 'greater impact on the openness of the Green Belt than the existing development.'

- 3.7.2 Planning Practice Guidance advises that openness can have visual as well as spatial aspects, with the visual impact of a proposal being relevant in addition to its volume. Openness can also be affected by the level of activity generated by development, such as vehicular movements.
- 3.7.3 In considering the spatial aspect of openness, the submitted planning statement gives a total volume of existing built form at 5,285 cubic metres, however this includes 148 cubic metres for two containers and 181 cubic metres for a portable building, which are temporary structures and should not be included within the calculation. Removing these, the existing volume of permanent structures stands at 4,956 cubic metres. In comparison the volume of the proposed development comprises 3,572 cubic metres, a reduction of 1,384 cubic metres, or approximately 28%. Coupled with the fact that the development does not encroach into the Green Belt any further than the extent of the existing built up area, comprising buildings, and hardstandings used for parking and open storage, the scheme will have no greater impact on the spatial aspect of openness.
- 3.7.4 More detailed information on the visual impact of the proposals has been submitted at officer request, in the form of a visual impact assessment carried out by a Chartered Landscape Consultant which considers the theoretical visual envelope of the site, refined through field verified views. Its possible that, notwithstanding the reduction in volume, the visual aspect of openness could be reduced due to the greater height of the proposed buildings than the existing, the question is what the effect of that change is and whether the green belt appears more 'developed' than it did previously. The report concludes that the site can be seen from a very limited visual envelope which does not increase substantially when taking account of the proposed buildings of increased height and does not impact on additional users beyond those which can already see the site. These are transient users of Willaston Road and Raby Mere Road in the vicinity of the site, equestrian users of the paddocks to the north and west and residents and visitors at Raby to the south west. In such views the additional height of the buildings will be noticeable, but the existing developed nature of the site is already apparent. Consequently there will be no increased perception of this site being developed in views where the developed character of the site cannot already be perceived, and, as such, the proposal has no 'greater impact' on the openness of the Green Belt in the visual context.
- 3.7.5 Having regard to the level of activity on the site, this is expected to reduce following development. The residential occupation of six dwellings would be expected to generate fewer vehicle movements per day than the existing commercial uses whilst the number of vehicles parked on site, and other forms of open storage would be expected to be less. Coupled with a reduction in hardstanding and an increase in soft landscaping and planting (which could be secured by planning condition) the development of the site has the potential to improve this aspect of openness.
- 3.7.6 Taken together, the scheme and its supporting documents demonstrate to the satisfaction of the LPA that the redevelopment of the site in the manner proposed will, on balance, have 'no greater impact' on the openness of the Green Belt' and meets the objectives of the NPPF for the following reasons:
- i) The volume of built form across the site decreases by approximately 28%, an improvement in the openness of the green belt in the spatial sense,
  - ii) The height of the dwellings will be greater than the height of the existing built form and this is a change in the character of the site which has been subject to detailed visual impact assessment. Within the limited visual envelope of the site the change in character does not lead to an increase in perception of the site being developed and therefore the effect of the change is that no 'greater impact' on the openness of the green belt arises in the visual sense

- iii) The built form does not encroach into any undeveloped land which has not previously been used for buildings and hardstandings with car parking and open storage and therefore no sense of further visual encroachment into the countryside arises, and
- iv) The level of activity across the site is expected to reduce, particularly in respect of vehicle movements, parking and open storage, which, coupled with an increase in soft landscaping will have a modest beneficial impact on this aspect of openness.

### 3.8 Effect on Listed Building

3.8.1 The existing dwelling on the site, Chicken Corner Farm is a designated heritage asset, being listed at Grade II. The building is 18th Century with later alterations is in primarily constructed in dressed stone with a dual pitched thatched roof. The building is sited close to the highway and has a small domestic curtilage to its rear. Analysis of historic mapping would suggest that the buildings to be removed as part of this planning application are of mid to late 20th Century construction with the dwelling, prior to this period, standing alone with a small garden to the east side but otherwise abutting fields to the side and rear. The buildings to be demolished are of modern steel frame and blockwork construction with timber or metal cladding and metal sheet roofing set alongside tarmac or concrete hardstandings. They do not make a positive contribution to the setting of the listed building and detract from it, with their proximity to the side and rear of the listed building crowding the heritage asset. The setting and significance of the listed building will not be harmed by their removal.

3.8.2 The proposed development relocates and rationalises the extent of built form and hardstanding across the site with the buildings sited further away from the listed building than the existing development. This will alleviate the sense of crowding that has arisen as a result of the piecemeal construction of equestrian and commercial buildings over time. The proposed dwellings are of greater height than the existing buildings however they are set further away than the existing buildings and will not dominate the listed building. The form of the dwellings and their use of locally distinctive construction materials demonstrate a respect for context that is lacking from the existing development whilst the reduction in hardstanding and increase in soft landscaping also benefits the setting of the listed building. Taking these matters together the proposed scheme is not considered to cause harm to the setting or significance of the designated heritage asset, either substantial or less than substantial, in compliance with the requirements of saved UDP policy CH1 and the objectives of section 16 of the NPPF.

### 3.9 Accessibility, Highways and Transport

3.9.1 This is a rural location, where it is recognised that journeys will be made primarily using the private car and walking is unlikely to be the primary mode of transport given that the site is not served by a pavement. A pragmatic view needs to be reached in line with NPPF paragraph 108 as to whether residents would have the ability to access jobs, shops, services and wider regional transport links by sustainable means, without wholly relying upon the car. Bus services 16 and 17 pass the site and offer an hourly frequency of service to local centres from approximately 07:00 to 19:00 Mondays to Saturdays. This would allow both commuting and shopping trips to be undertaken by bus. The topography of the area is generally flat (albeit with a hill through Dibbinsdale to the east) and is conducive to cycling with Bromborough railway station located approximately 1.8 miles or 10 to 15 minutes cycle, to the east. Subject to suitable cycle storage facilities being provided within the development, travelling to regional centres by non-car modes of transport would be a viable option. As such, the site is, on balance, reasonably accessible, having regard to its rural location and future residents would not be wholly reliant upon the car for travel requirements.

3.9.2 The application is accompanied by a transport statement which concludes that the likely number of vehicle movements generated by the six proposed dwellings is fewer than the number of movements which could be expected from the current commercial uses, and this is not disputed by the Local Highway Authority. The existing vehicular access point is to be used which is 6 metres wide and allows two vehicles to pass whilst suitable visibility splays can be achieved commensurate with the prevailing traffic speeds on the highway, calculated following a speed survey carried out at the request of highways officers. Analysis of collision data confirms that there are no inherent deficiencies in the safety of the highway in this



location. Taken together, there are no highway safety issues that would prevent development and development is likely to result in a minor beneficial effect on the number of vehicular movements to and from the site.

- 3.9.3 Car parking can be provided on site at a standard of two spaces per dwelling with sufficient space available for vehicles to enter and leave the site in a forward gear. Refuse servicing can be carried out from the public highway with a suitably located communal bin storage enclosure located near the vehicular access. This can be secured with a suitably worded planning condition. On the basis of the above the scheme meets the access and servicing objectives of saved UDP policies HS4 and TR9.

3.10 Design and Layout

- 3.10.1 The layout and design of buildings has been influenced by the agricultural character of the surroundings and seeks to rationalise the extent of built form across the site. The concept is reflective of a farmyard with standalone farmhouse and takes a courtyard form with a predominantly open, hardstanding 'yard' to the front and gardens to the rear. It is agreed that this is an appropriate response to the agricultural context of the site. The buildings themselves are to be finished externally in red sandstone (which is to line through with the height of the sandstone to the listed building) above which will be vertical timber cladding and dual pitched natural slate roofs. Windows will be aluminium framed and, where they are set within the stonework, feature stone surrounds and mullions. Where they are within the timber they will have slightly projecting zinc surrounds. Open, timber framed car ports will be provided for covered vehicle parking. Taken together the design and layout demonstrates a high quality, locally distinctive scheme that responds in an appropriate, contemporary manner to its rural context. Control over materials and detailed site landscaping and boundary treatment can be secured through the use of conditions. On this basis the scheme meets the design objectives of saved UDP policy HS4 and NPPF paragraph 127.

3.11 Residential Amenity

- 3.11.1 The scheme demonstrates a good standard of internal and external amenity for potential future occupiers with good outlook and well-sized private gardens. The siting and design of the proposed dwellings does not harm the amenity of occupiers of the existing dwelling by way of overlooking, overshadowing or overbearing effect. The application meets the objectives of saved UDP policy HS4 and NPPF paragraph 127 in this matter.

3.12 Ecology and Biodiversity

- 3.12.1 The application is accompanied by ecological survey reports including bat roost assessment and great crested newt (GCN) assessment, which have been considered by MEAS. Two of ten ponds located within 250 metres of the site are considered suitable habitat for GCN, one of which has been subject to eDNA surveying confirming that newts were not present. The other pond has 'below average' suitability as habitat and reasonable avoidance measures will be required during construction to ensure that any newts present on site are not harmed. No evidence of bat activity was found and the buildings to be removed are considered to have negligible roost potential. No further surveying or mitigation for bats is necessary. Reasonable avoidance measures will also be needed for terrestrial mammals and avoidance/mitigation for the effect of development on breeding birds. Subject to these matters being addressed in suitably worded planning conditions the requirements of saved UDP policy NC7 are met.

- 3.12.2 The site is within 1 kilometre as the crow flies of Dibbinsdale Site of Special Scientific Interest (550m) along with Raby Mere (870m), Thornton Common (900) and Benty Heath Lane Ponds (900m) Local Wildlife Sites. Having regard to the distances involved and the small scale of the proposed development MEAS consider that approval of the application would be unlikely to harm the features for which these sites have been designated.

- 3.12.3 The application is accompanied by a Tree Survey and Impact Assessment to BS837:2012 which confirms that only one tree will require removal to facilitate development, a non-native Eucalyptus of approximately 4.8 metres in height, to which no objection is raised. All other trees on site can be retained with recommended works limited to removal of deadwood and re-coppicing where this has been carried out in the past. Provision is made for the erection of root protection area fencing during construction and this can be secured by condition. A

detailed scheme for landscaping reserved by condition will be expected to demonstrate new native tree planting across the site and replacement hedgerow planting to that part of the site frontage where some hedging will require removal to secure acceptable highway visibility. On this basis, development does not conflict with the objectives of saved UDP policy GR7.

3.13 Other Material Considerations

3.13.1 Contaminated Land - The application is accompanied by a Phase I Environmental Assessment which concludes that the presence of significant ground contamination as a result of the site's past use is considered unlikely and the risk of direct contact with contaminants by potential future residents is assessed as low. However, the assessment does state that whilst the risk is low, a potential pollutant linkage does exist and therefore a phase 2 site investigation and risk assessment will be required and this can be secured by condition. Depending upon the outcome of the phase 2 assessment, remediation may be necessary to ensure ground conditions within gardens are safe for future occupiers.

3.13.2 Displacement of Existing Businesses - According to the application form, the three existing businesses operating from the site support 3 full time and 5 part time jobs. This is not a location where land and premises in business use are protected under any development plan policy and it is noted that the NPPF permits the redevelopment of previously developed land in the green belt whether that land is redundant or in continuing use. A balanced judgement will need to be made on the basis of the scale of the economic benefits that may accrue through the redevelopment of the site weighed against scale of the economic harm to the Borough arising from the loss of land in business use.

3.13.3 Affordable Housing - Paragraph 63 of the NPPF confirms that affordable housing provision should not be sought for residential developments that are not major developments, except in designated rural areas where local policies may set out a lower threshold. At 6 dwellings the scheme is not major development, nor is the site within a designated rural area and therefore affordable housing provision cannot be sought.

3.14 Planning Balance and Conclusion

3.14.1 The application comprises the redevelopment of previously developed land within the green belt, a departure from the development plan but acceptable in principle under national planning policy. The submitted information demonstrates that the scheme will not result in any greater impact on the openness of the Green Belt either in spatial or visual terms and the scheme is compliant with the NPPF as a result. Similarly no harm is caused to the setting and significance of the adjacent Listed Building. Pedestrian accessibility to the site is limited, although having regard to its rural location, the site is reasonably accessible by non-car modes of transport and future residents will not be wholly reliant upon the car for day to day travel requirements.

3.14.2 The construction of new housing will have social benefits in the contribution it makes to the Borough's housing land supply and economic benefits through the employment sustained in the construction industry and its supply chain and the spending power of future residents. At six dwellings these benefits are relatively modest but so are the economic disbenefits. The displacement of 3 full time and 5 part time jobs from the site and the loss of the commercial use of the land will not be significant in the context of the Borough as a whole. In reaching this conclusion, regard has been had to the fact that this site is not in a location where the development plan considers it important to protect land and premises in business use. Consequently greater weight is given to the economic benefits of housing development over the disbenefits accruing from the loss of land in business use.

3.14.2 In giving weight to the social and economic benefits of new residential development, the reasonable accessibility of the site, the lack of harm to the openness of the Green Belt and the setting of the Listed Building the scheme, on balance, meets the objectives of local and national planning policy and it is recommended that planning permission is granted subject to conditions.

**Summary of Decision:**

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

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

The proposed development comprises the redevelopment of previously developed land in the Green Belt for residential purposes which does not have an adverse effect on the openness of the Green Belt. No harm arises to the setting or significance of the adjacent Grade II Listed Building. Having regard to the rural location of the site it is considered to be reasonably accessible and potential future residents will not be wholly reliant upon the private car for travel. This is not a location where the loss of land and premises in business use is restricted by development plan policy and the loss of the land from business use is outweighed by the social and economic benefits of the provision of new housing and its contribution to reducing the shortfall of housing within the Borough. There are no environmental considerations that are unacceptable, or cannot be made acceptable through the use of planning conditions and therefore, on balance, the application is considered to represent sustainable development in overall compliance with the objectives of the Development Plan.

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

**Recommended Conditions and Reasons:**

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

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

2. Unless modified by other conditions of this consent, the development hereby permitted shall be carried out in accordance with the approved plans listed as follows:

Received by the Local Planning Authority on 10 July 2020:

20024-100 Revision C (As Proposed Site Plan 1:500)  
20024-101 Revision A (House Type A - As Proposed Plans)

Received by the Local Planning Authority on 22 September 2020:

3029-F01 Revision B (Proposed Site Access Plan)

Received by the Local Planning Authority on 06 October 2020:

20024-102 Revision B (House Type B - As Proposed Plans)  
20024-103 Revision C (House Types A and B - As Proposed Elevations)  
20024-104 Revision C (House Type C - As Proposed Plans and Elevations)  
20024-107 Revision B (House Type D - As Proposed Elevations)  
20024-108 Revision B (House Type D - As Proposed Plans)  
20024-110 Revision A (Block Plan and Site Sections)

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

3. No other plant or materials shall be brought onto site until tree protection fencing has been installed around all trees and hedges 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 2020 reference 20/AIA/WIRR/67).

Thereafter development shall be carried out in accordance with the approved details and all fencing 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 trees, to accord with the objectives of saved policy GR7 of the Wirral Unitary Development Plan.

#### 4. PART A

Prior to commencement of any groundworks a Phase II Intrusive Site Investigation shall be carried out and a report submitted to the Local Planning Authority. Groundworks shall only then commence if the report concludes that no remediation is necessary and the report has been approved in writing by the Local Planning Authority. If the report concludes that remediation is necessary, Parts B and C of this condition apply.

#### PART B

Where remediation is required by the Phase II Intrusive Site Investigation Report, no groundworks shall commence until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a timescale for its implementation and completion. Thereafter the remediation strategy shall be carried out as approved.

#### PART C

No dwelling shall be occupied until a verification report has been submitted to and approved in writing by the Local Planning Authority. Such report shall certify that the remediation works approved under Part B of this condition have been completed.

**Reason** - To ensure that risks to future users arising from land contamination are minimised in accordance with the requirements of saved policy PO5 of the Wirral Unitary Development Plan.

#### 5. No development other than demolition 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, and
- iii) Measures to prevent the deposit of mud/grit/dirt on the public highway, with wheel washing facilities where appropriate.

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

#### 6. 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. In respect of external stone walling, a sample panel shall be erected on site that measures at least 1 square metre and demonstrates the type, size, colour, coursing, dressing and pointing of the stone to be used. 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 policy HS4 of the Wirral Unitary Development Plan.

7. 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 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.

8. 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 7), 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.

9. 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.

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

For Great Crested Newts:

- i) Existing vegetation on the site shall be gradually cut and removed under ecological supervision to encourage any amphibians present to move away from the affected areas;
- ii) The working area, together with any storage areas, shall be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
- iii) Any open excavations (e.g. foundations/footings/service trenches etc) shall be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation shall be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians.

For terrestrial mammals:

- i) A pre-commencement check by a qualified ecologist for badger and hedgehog,
- 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.

11. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the bird boxes shall be installed in accordance with the approved details.

**Reason**- To mitigate for the potential loss of breeding bird habitat in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

12. No dwelling shall be occupied until details of secure covered cycle storage facilities and an external refuse bin storage enclosure had been submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

**Reason** - To ensure the development takes the opportunity available to promote sustainable transport choices and makes satisfactory provision for the storage and collection of refuse, in accordance with policy TR12 of the Wirral Unitary Development Plan and policy WM9 of the Merseyside and Halton Joint Waste Local Plan.

13. No dwelling shall be occupied until:

- i) The site access has been constructed and visibility splays provided in accordance with the details shown on drawing 3029-F01 Revision B (Proposed Site Access Plan) and the specification of the Local Highway Authority, and
- ii) The vehicle parking and turning areas have been surfaced in accordance with the details approved under the landscaping scheme required by condition 7 and made available for use.

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

14. In the event that ground contamination not previously identified in either the Phase I or Phase II Ground Investigations is identified or encountered on site during construction, All groundworks in the affected area (with the exception of ground investigation for the purposes of this condition) shall cease and the Local Planning Authority notified in writing within 2 working days. Works shall not recommence in the affected area until a remediation strategy, or revisions to the previously approved remediation strategy, have been submitted to and approved in writing by the Local Planning Authority. Remediation shall then be carried out in accordance with the approved remediation strategy.

**Reason** - To ensure that risks to future users of the land from ground contamination are minimised in accordance with the objectives of saved policy PO5 of the Wirral Unitary Development Plan.

15. 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 shall be 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 2015 (as amended) or any Order revoking or re-enacting that Order, no extensions, construction of additional storeys, garages or other outbuildings shall be erected within the curtilage of any dwelling hereby approved without the further grant of planning permission from the Local Planning Authority.

**Reason:** To ensure the effects of such development on the openness of the green belt and the setting of the listed building are properly considered, having regard to the prominence of the site and the proximity of the designated heritage asset.

17. There shall be no hedgerow removal until a detailed plan has been submitted to, and approved in writing by the Local Planning Authority which clearly identifies the length of hedgerow to be removed to facilitate highway visibility splays and the length of hedgerow to be retained. Thereafter the development shall be carried out as approved.

**Reason:** To ensure the harm to biodiversity and visual amenity, caused by hedgerow removal to facilitate highway safety, is minimised.

#### **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 commercial concrete crossing specification of the Local Highway Authority. 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, their advisers and contractors are advised that if any European protected Species (bats or great crested newts) are found, then as a legal requirement, work must cease and advice must be sought from an ecologist.

**Last Comments By:** 30/08/2020 08:57:58

**Expiry Date:** 15/09/2020

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## Planning Committee

**Reference:**  
**OUT/20/01800**

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

**Case Officer:**  
**Mr J Browne**

**Ward:**  
**Heswall**

**Location:** Ronan, 4 SANDFIELD PARK, HESWALL, CH60 9HX  
**Proposal:** Outline planning application for the construction of two detached dwellings

**Applicant:** Mr and Mrs Hawksworth  
**Agent :** SHACK Architecture Ltd

**Qualifying Petition:** Yes, Number of Signatures: 42

### Site Plan:



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

- Location: 23, Pipers Lane, Heswall. L60 9HZ  
Application Type: Full Planning Permission  
Proposal: Erection of a two storey side extension.  
Application No: APP/89/05890  
Decision Date: 12/06/1989  
Decision Type: Approve
- Location: The Meadows ,Pipers Lane ,Heswall L60 9HZ  
Application Type: Full Planning Permission  
Proposal: Erection of detached dwellings at The Meadows, Pipers Lane  
Application No: APP/80/16547  
Decision Date: 03/11/1980  
Decision Type: Refuse
- Location: Land at The Meadows ,Pipers Lane ,Heswall ,L60 9HZ  
Application Type: Full Planning Permission  
Proposal: Erection of 3 houses/bungalows  
Application No: APP/79/11742  
Decision Date: 21/03/1979  
Decision Type: Refuse
- Location: The Meadows,Pipers Lane,Heswall  
Application Type: Full Planning Permission  
Proposal: 15 Houses and garages  
Application No: APP/74/00385  
Decision Date: 08/10/1974  
Decision Type: Refuse
- Location: Land off,Pipers Lane,known as The Meadow,Heswall,CH60 9HZ  
Application Type: Full Planning Permission  
Proposal: Erection of 3 bungalows and 9 houses with roads and sewers.  
Application No: APP/78/10606  
Decision Date: 04/06/1979  
Decision Type: Refuse
- Location: Land at The Meadow ,Pipers Lane ,Heswall ,L60 9HZ  
Application Type: Full Planning Permission  
Proposal: Erection of 9 bungalows with road and services  
Application No: APP/79/11673  
Decision Date: 21/03/1979  
Decision Type: Refuse
- Location: 23-29 Pipers Lane,Heswall,L60 9  
Application Type: Reserved Matters  
Proposal: Erection of eight detached bungalows with double integral garages.  
Application No: DLS/81/18873  
Decision Date: 11/02/1982  
Decision Type: Conditional Approval
- Location: Ronan ,4 Sandfield Park,Heswall L60 9HX  
Application Type: Full Planning Permission  
Proposal: Erection of double garage  
Application No: APP/78/10874  
Decision Date: 07/11/1978

Decision Type: Conditional Approval

Location: Ronan, 4 SANDFIELD PARK, HESWALL, CH60 9HX  
Application Type: Planning Pre-Application Enquiry  
Proposal: 2 no. detached 5 bed houses adjacent to existing dwelling  
Application No: PRE/20/00049/ENQ  
Decision Date: 15/05/2020  
Decision Type: Pre-Application Reply

### Appeal Details

Application No APP/80/16547  
Appeal Decision Conditionally Allowed (Expired Code)  
Appeal Decision Date 30/06/1981

### Summary Of Representations and Consultations Received:

#### 1.0 WARD MEMBER COMMENTS

1.1 No comments received.

#### 2.0 SUMMARY OF REPRESENTATIONS

2.1 Having regard to the requirements of the Town and Country Planning (General Permitted Development Order) (England) 2015 as amended, notification letters were sent to fifteen neighbouring addresses on 16 December 2020. The deadline for receipt of representations passed on 07 January 2021.

#### REPRESENTATIONS

One Petition received - Declaration of objection to the proposals (42 signatories)

Twenty-four letters of Objection, which can be summarised as follows:

Procedural matters

- No consideration for emerging Local Plan
- Incomplete planning application form
- Red line of application site and relationship to neighboring dwelling is incorrect.

Character and appearance:

- Overdevelopment (cramped development)
- Unacceptable density
- Excessive height at 2.5 storeys / 3 storeys
- Loss of green space
- Unacceptable impact on character of the surrounding area
- Contemporary style is not in keeping.
- Loss of grass verges, hedges and trees
- Loss or effect on trees (Tree strategy 2020)
- Quality of design
- Relevance of 2004 appeal

Impact on residential amenity

- Overbearing impact on neighbours
- Loss of sunlight and daylight
- Rights of Light impacts
- Impact on neighboring resident's mental health
- Noise and air pollution
- Loss of views

- Loss of rural landscape
- Loss of historic character
- Insufficient information of appearance and design of the proposals
- Creation of new development precedent in the area

#### Transport matters

- Impacts on Parking on Pipers Lane
- Impact of the construction process
- Lack of suitability of Pipers Lane for access
- Damage to the highway network and surface
- Highway and pedestrian safety
- Requirement for Active Travel
- Increased pollution from cars
- Lack of car parking and servicing provision
- Access road is narrow, unmade and is entirely unsuitable.
- Excess traffic in an un-adopted road and adjacent roads
- Construction vibration and dust
- Mud and dirt impacts due to construction

#### Impact on protected species / ecology matter

- Disturbance of Natural habitat of protected species
- Disruption to badgers
- Loss of net bio-diversity
- Bat roost assessment required

#### Drainage and flooding

- Loss of the soakaway
- Surface water and drainage impacts

#### Infrastructure matters

- No affordable housing
- Increased stress and impact on local services

### CONSULTATIONS

Merseyside Environmental Advisory Service – The development was considered against regulatory compliance and action is required in the form of planning conditions.

Wirral Cheshire Badger Group – Neutral comments. However, concerns about the potential impact this development could have on wildlife, in particular the local badger population. Requested that the application demonstrates that a net gain in Bio-diversity will be achieved in accordance with the NPPF. Accepting that the local badgers pass through the site there is a risk of harm to badgers during construction activities - badgers safety must be safeguarded by condition.

Dwr Cymru Welsh Water – The discharging of surface water into on site soakaway(s) is proposed, and the use of sustainable drainage systems (SuDS) for the discharge of surface water is supported.

Environmental Protection – No objection

Committee of Heswell Society – Objection based on Section 24 of the form discloses a relationship exists but no details are given. The proposals result in a cramped overdevelopment which will be totally discordant with the current street scene. Proposed

massing further contributes to detrimental impact. Loss of amenity due to overlooking. There is evidence of badger activity and the approval of this application from the Wirral and Cheshire Badger Group should be sought. Inadequate measures proposed to produce a net gain in biodiversity

Environmental Health - No objection

Highways - No objection, recommends condition to secure provision of a cycle store.

All of the above objections and comments will be duly considered and appropriately afforded weight in the determination of this planning application.

### **3.1 Site and Surroundings**

3.1.1 The site is located within a Primarily Residential Area in an area on the western side of Sandfield Park, Heswall. The site is undeveloped and historically formed part of the side garden of no. 4. To the immediate north and south are the residential dwellings of no. 4 and no. 6 respectively, which are detached properties situated within large gardens. To the east of the site and located on the other side of Sandfield Park are no. 3, 3a and 5, which are also detached properties. The scale of properties within the immediate vicinity ranges from bungalows, two storey dwellings to large and prominent three storey buildings at the junction of Piper's Lane and Sandfield Park. The surrounding area is also heavily characterised by mature trees, prominent and tall hedgerows and scrubs. This creates a very green and leafy feel and context within the local area. The site does not fall within a conservation area. Sandfield Park is not an adopted Road.

### **3.2 Proposed Development**

3.2.1 The proposal seeks outline planning permission to erect two, five bedroom detached residential properties. The matters submitted for consideration are access, layout and scale only.

#### **3.2.2 Access**

The site would be divided into two separate residential curtilages each comprising a detached dwelling. Both proposed dwellings and their gardens would be directly accessible from via Sandfield Park via two new separate pedestrian and vehicle access points. One access route per dwelling.

#### **3.2.3 Layout**

The proposed residential developments are positioned set back from Sandfield Park to allow for the creation of front garden space and two off street car parking spaces per dwelling.

3.2.4 A separation gap of 3.70m is proposed between the two dwellings. Both properties are also set of their respective shared boundaries to the north and south. To the rear of each proposed dwelling is c. 13m by 13m of rear garden space.

#### **3.2.5 Scale**

The proposed dwellings both designed with a pitched roof would be 8.615m high to the ridge and 5.45m to the eaves. Single storey rear additions designed with flat roofs at 3.1m high would be positioned to the rear of the dwellings.

3.2.6 The potential appearance of the dwellings and any associated landscaping provisions do not form part of the outline application and are therefore not a material consideration at this point. These matters would need to be considered at the reserve matters stage.

### **3.3 Development Plan**

### 3.3.1 Housing

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be 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.

### 3.3.2 Protected species

Saved NC01 Principles For Nature Conservation Strategic Policy states The local planning authority will only permit proposals which will not adversely affect, directly or indirectly, the integrity of the borough's international, national and locally designated sites for nature conservation and earth science. In considering the weight to be attached to nature conservation or earth science issues when assessing planning applications, the local planning authority will have regard to the relative significance within Wirral of international, national and local nature conservation designations. Wherever possible, networks of linear natural habitat and other corridors of importance to wildlife will also be retained and protected.

Saved UDP Policy NC7 Species Protection states 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 Transport

. 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:

- 3 (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 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 objectives can be taken. There is a presumption in favour of sustainable development, which 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 UDP Policy HS4, GR5 and GR7 [etc], which are considered as whole to be up to date in terms of their consistency with the NPPF. The Borough does not currently have the five-year housing supply as required in NPPF paragraph 73, which is to be addressed in the emerging Local Plan but these policies are still relevant in the determination of this application as they still reflect national policy and circumstances on the ground.

NPPF paragraphs 122 & 123 provide support for efficient use of land taking account of the desirability of maintaining an area's prevailing character (including residential gardens). Decisions are expected avoid low densities and ensure optimal use of the site and take flexible approach to daylight provided acceptable living standards can be achieved. Part 12 goes on to make it clear that good design is a key aspect of sustainable development, and the creation of high quality buildings and places is fundamental to what the planning process should achieve. The Council published its intention to promote higher densities subject to the impact on local character, as part of the emerging Local Plan but the final policies are still to be approved.

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.

Section 11 of the National planning Policy Framework states: The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

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.

Paragraph 175 states when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, 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 Sites of Special



Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) 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.

Paragraph 180 advises that Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

### **3.5 Assessment**

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

- Principle of development;
- Design;
- Highways;
- Residential Amenity; and
- Ecology / protected species
- Waste and recycling
- Construction methodology
- Drainage

3.6 Principle of Development: .

3.6.1 This site is designated as part of a Primarily Residential Area where new housing development is acceptable in principle subject to compliance with all the criteria in UDP Policy HS4. The landscaping proposals for this particular scheme are also subject to UDP policy GR5 and GR7, and the Tree, Hedgerow and Woodland Strategy 2020-2030.

3.6.2 The site comprises a grass verge and undeveloped land. However, the site is not designated as Green Space within the Wirral UDP and is not accessible to the public. It should also be noted that Planning permission has been granted for similar developments at 2 Sandfield Park ( ref 13/00171) Granted 3<sup>rd</sup> June 2013 and 3 Sandfield Park ( ref 16/01417) granted 21.12.2016.

3.7 Design / Impact on the character of the area:

3.7.1 The development would be set back from Sandfield Park and conform to the existing building line of the neighbouring properties and the wider streetscene. The proposed building footprints set off from the shared boundaries will ensure that proposed detached properties would not result in a terracing effect either between themselves or with the

neighbouring properties. The positioning of the dwellings within spacious front and rear gardens also conforms with the established character of the area..

- 3.7.2 The scale and height of the proposed dwellings would be in keeping with the surrounding area. The materiality and appearance of the proposed residential development and any associated landscaping (inclusive planting of trees) and boundary treatment would be secured by way of reserve matters and safeguarding conditions in accordance with the requirements of Policy GR5 (Landscaping and New Development). The adoption of appropriately worded conditions would also ensure that the green and leafy, charming character of the area is retained.
- 3.7.3 The development proposals would result in the loss of up to 12 existing trees on the site. A tree report carried out by Amenity Tree in line with the recommendations in BS 5837:2012 confirmed that the overall quality on the site ranges from poor (C) to moderate (B). The loss of the trees will be mitigated with a condition requiring the planting of replacement trees elsewhere on the site in accordance with UDP Policy GR7 and the overarching aims of the Tree, Hedgerow and Woodland Strategy 2020-2030. The neighbouring existing T6 tree which has a retention value of A1 and its root protection area (RPA) will not be impacted by the proposed development either.
- 3.7.4 Considering the above and following due consideration of the objections received from neighbours and the Committee of Heswall Society, it is considered that the proposed development would not harm the character of the site and the surrounding area as a result of a loss of the grass verge, hedges and trees; the redevelopment of the site with contemporary buildings; or any perceived overdevelopment of the site in terms of scale, height density and appearance. The absence of specific details for consideration at this stage would also be addressed through appropriately worded reserve matters and conditions. Subject to the attachment of such conditions, it is therefore considered that the development would preserve and enhance the character and appearance of the immediate street and the wider local area.
- 3.8 Highways:
- 3.8.1 The proposals are all contained within a private boundary and do not impact on the adopted highway which terminates north of the proposal on Pipers Lane, therefore Sandfield Park which accesses the development is not adopted highway. The status of a road alone does not prejudice development.
- 3.8.2 The visibility splays on to Sandfield Park are considered satisfactory and due to the low level of traffic using the access road do not raise any highway safety concerns.
- 3.8.3 The proposed two additional dwellings served from Sandfield Park are unlikely to generate a significant level of traffic and it is therefore considered that the development proposals would have a minimal impact on Sandfield Park, as such there are no objections to the proposal from Wirral's Engineers (Highway officers) The level of pollution resulting from the additional car usage that the development would bring would not warrant a reason for refusal either. The objectors concerns regarding the construction phase can also be mitigated through appropriately worded planning conditions.
- 3.8.4 Cycle parking provision will also be secured by way of condition to promote sustainable forms of transport as an alternative to travelling by car.
- 3.8.5 Following the receipt of confirmation from Council's Highway officers that the development proposals are acceptable, and all transport related concerns can be mitigated through appropriately worded conditions where required. It is considered that neighbours objections in relation to access, safety, the longevity of the highway network and surfaces, active travel, congestion and the construction process can all be addressed via condition and consequently do not warrant a reason for refusal. The application is therefore considered acceptable in access and highway terms.

- 3.9 Residential Amenity:
- 3.9.1 The proposed development would not protrude beyond the rear elevation of no. 6 and would be appropriately set off the boundary.
- 3.9.2 Regarding the relationship with no. 4, the proposed development would extend beyond the rear building line of neighbouring property. However, in this instance such an arrangement is considered acceptable because the closest subject development is predominantly single storey beyond the rear elevation of no. 4 and the 25 and 45 degree rule is complied with when assessed from the first floor rear habitable room windows of no. 4
- 3.9.3 The existence of a circa 3m protruding ground floor rear extension to a neighbouring property in close proximity to a boundary is a common arrangement in the local area and the borough.
- 3.9.4 It is therefore considered that the development would not have a detrimental impact on the living conditions of any neighbouring residents to warrant a reason for refusal when considering the potential for loss of access sunlight and daylight, outlook and privacy.
- 3.9.5 Based on the above and with consideration of objections from neighbours and the Committee of Heswell Society in relation to the potential for an overbearing impact, overlooking, loss of views, sunlight and daylight, right of light implications, noise and pollution concerns and impact on mental health It is concluded that the development would accordingly safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.
- 3.9.6 The proposed development is also of a sufficient scale to accord with the requirements of the national space standards. With the benefit of defensible space to the front of the property and rear gardens to the rear for the enjoyment of the future residents. A high-quality standard of living would be delivered for future residents.
- 3.10 Ecology and Protected Species:
- 3.10.1 Bats  
The trees on site have no potential roosting features suitable for use by bats. No further surveys or mitigation are therefore required. However, a planning condition would be required to ensure that a lighting scheme is adopted that does not result impact potential habitats on the site or an adjacent to the site in line with NPPF (paragraph 180).
- 3.10.2 Breeding Birds  
The site has habitats which may provide nesting opportunities for breeding birds, which are protected and therefore UDP policy NC7 applies. No tree felling, scrub clearance, vegetation management, ground clearance or building works should therefore take place during the period 1 March to 31 August inclusive. The proposed development would result in the loss of habitat suitable for breeding birds. To mitigate for this loss, details of bird nesting boxes that will be erected on the site (e.g. number, type and location on an appropriately scaled plan) would need to be agreed in writing the Local Planning Authority in advance. Such matter and details will therefore be secured by way of planning condition.
- 3.10.3 Amphibians  
There are no records of great crested newt within 1km and there are no other ponds within 500m. MEAS advised that it is unlikely that great crested newt will be present, however, the habitats on site are suitable for use by amphibians such as common toad, a Priority Species under Natural Environment and Rural Communities (NERC) Act 2006.
- 3.10.4 A safeguarding condition would therefore be required to ensure that Reasonable Avoidance Measures (RAMs) are undertaken during the construction phase in accordance with UDP policy NC7.
- 3.10.5 Terrestrial Mammals  
MEAS advised that the habitats on site are suitable for hedgehog which are Priority Species and therefore UDP policy NC7 applies. Reasonable Avoidance Measures (RAMs) would

again therefore need to be secured by way of condition.

3.10.6 Badgers

The application site is situated close to three Sites of Biological Importance/Local Wildlife Sites - Wirral Way NC6/15, Wittering Lane NC6/22 and Bushway NC6/23, where there are active badger setts. There is also badger activity on Heswall Dales SSSI. Evidence of the existence of badgers in the local area has been submitted by objectors to the proposals. MEAS advised that Badgers from these setts depend on the local gardens to forage for food and to disperse. It is therefore vitally important to maintain links between badger populations and essential to protect existing wildlife corridors and maintain connectivity between sites. Given the above, it is pertinent to work on the assumption that badgers frequently do pass through the application site in the determination of this application. This is in line with the observation and comments from Committee of Heswell Society and the Wirral Cheshire Badger Society.

3.10.7 Accepting that the local badgers pass through the site there is a risk of harm to badgers during construction activities. As such, it is essential that all measures are taken to ensure the badgers safety during site clearance and the construction phase. Appropriately worded safeguarding conditions will therefore be imposed.

3.10.8 Landscaping

The habitats on site are suitable for a range of species including hedgehog, amphibians, birds, foraging and commuting bats and invertebrates.

3.10.9 The presence or otherwise of any protected species, and the extent that they may be affected by the proposed development has been established by an ecological assessment. To mitigate any potential impacts in line with recommendations within the submitted Biodiversity Enhancement Measures report, MEAS have advised that a tree, hedgerow and grassland planting should be included within the landscaping provision to be submitted at Reserve Matters Stage. The planting should include native species congruent with the surrounding landscape in order to benefit species using the site.

3.10.10 The requirement for details of a tree, hedgerow and grassland to be planted as part of a wider landscaping / planting plan for the site will therefore be secured by a suitably worded planning condition.

3.10.11 The site could also be used by Priority Species such as hedgehog and common toad. In order to ensure no net-loss in biodiversity, hedgehog highways (13cm x 13cm holes) would need to be implemented within the bottom of any fences constructed on site to allow for movement of species between the new gardens. Such measures would be secured by condition.

3.10.12 The requirement to install bat boxes, a hedgehog hibernacula/log pile and invertebrate boxes on site would also be secured by way of condition in accordance with NPPF paragraph 175 and the NERC biodiversity duty.

3.10.13 Based on the above, it is considered that the potential for any disturbance to natural habitat of protected species, a loss of net biodiversity and requirement for safeguarding measures as raised as matters of concerns by objections can all be mitigated through the use of carefully worded conditions. The protection of protected species and future proofing of the site for their habitat through condition satisfies UDP Policy NC7. An informative would also be attached advising the applicant, their advisers and contractors that if any bats or great crested newts are found, then as a legal requirement, work must cease, and advice must be sought from an ecologist.

3.10.14 Waste and recycling

No information has been submitted in relation to waste and recycling provision for the proposed two new detached dwellings. A safeguarding condition would therefore be required to ensure that the development complies with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste

(paragraph 8).

3.10.15 Construction methodology

The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) also requires the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable. However, as no demolition works are required, and the proposed development is of a minor scale. It is not considered necessary to use a waste audits or a similar mechanism such as a demolition/construction method statement to monitor waste minimisation, recycling, management and disposal in this instance.

3.10.16 A Construction Ecological Management Plan (CEMP), however, would be secured by way of condition to ensure that the construction process has limited impact on the highway network, residential amenity and to adequately demonstrate biodiversity is safeguarded.

3.10.17 Drainage

The development is proposing to discharge surface water into on site soakaway(s). Welsh Water confirmed that they support the use of sustainable drainage systems (SuDS) for the discharge of surface water.

3.10.18 To ensure that there is no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets, appropriate worded conditions and informatives would be attached to any permission granted. The issues raised by neighbours in relation to the potential loss of the soakaway, flooding and surface water and drainage impacts are not considered to be reasons for refusal.

3.10.19 Other Matters

The emerging Local Plan has not been published for public consultation or submitted for Examination and therefore carries no material weight in the assessment of these development proposals.

3.10.20 The red line of application site is considered accurate and the positioning of the adjacent properties and the scope potential for impact has been considered based upon both the submitted plans and a desk top based study via Google satellite images for completeness.

**Summary of Decision:**

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

The construction of two dwellings in this sustainable location would make a modest but positive contribution to the Council's housing land supply and have modest economic, environmental and social benefits. The application demonstrates that two dwellings can be accommodated in principle on this site without resulting in a detrimental change in the character of the area, without harming neighbouring residential amenity and without having a detrimental effect on highway safety or bio-diversity. As such, the development does not result in a degree of harm that would significantly or demonstrably outweigh the benefits that the development would bring. The development proposals therefore constitute sustainable development in accordance with local and national planning policy guidance.

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

**Recommended Conditions and Reasons:**

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

**Reason:** To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. NO DEVELOPMENT SHALL COMMENCE ON SITE UNTIL details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.

(a) The external **appearance** of the development;

(b) The **landscaping** of the site; and

The development shall be carried out in accordance with the approved details.

**Reason:** To enable the Local Planning Authority to control the detail of the development and to comply with Section 92 of the Town and Country Planning Act (as amended).

3. The development hereby permitted shall be carried out in accordance with the approved plan received by the local planning authority on 09 December and 25 January 2020 and listed as follows:

A102 Rev B – Proposed Massing Elevations  
A101 Rev C – Proposed Site Plan and Context Elevation  
A100 Rev A – Existing Site Plan

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

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

- a) Risk assessment of potentially damaging construction activities
- b) A pre-commencement check for terrestrial mammals, including a Badger walk-over survey of the site and 30m of adjacent land (access permitting);
- c) Identification of “biodiversity protection works” / Reason Avoidance Measures (RAMs) including but not limited to:
  - i. The working area, together with any storage areas, being kept clear of debris, and any stored materials being kept off the ground on pallets to prevent amphibians from seeking shelter or protection within them;
  - ii. Any open excavations (e.g. foundations / footings / service trenches etc) being covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets being covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them.
  - iii. Any excavation being in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians;
  - iv. Any open pipes being temporarily capped at the end of each working day to

- prevent any animals gaining access.
- v. Any holes or trenches left open overnight being either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps) in case any badger should fall in.
- vi. All building materials being stored so that badgers cannot access them.
- vii. The use of chemicals (such as herbicides & fertilisers) being avoided wherever possible. Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals.
- viii. Any obvious badger paths to be left clear of obstruction.
- ix. All the property boundaries allow for the free movement of wildlife both during & after construction.
- x. Protective fencing being erected surrounding the construction site during the building work to prevent badgers from entering the site
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- e) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. should only take place between 8am and 6pm daylight working hours and starting one hour after sunrise and ceasing one hour after sunset)
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- h) Use of protective fences, exclusion barriers and warning signs
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

Should badgers or any protected species be at risk at any point a licence may be required from Natural England to proceed lawfully.

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

**Reason:** To adequately demonstrate biodiversity is safeguarded.

5. No development hereby approved shall be occupied until a scheme for hard and soft landscaping of the site and including the means of enclosure and the materials to be used for hard surfacing have been submitted to and approved by the Local Planning Authority. The scheme shall include, but not be limited to:
- a) A plan showing existing vegetation to be retained and safeguarded during construction which shall be consistent with the Construction Ecological Management Plan.
  - b) Details of the species, heights and age of the new replacement trees to be planted.
  - c) Detailed planting / sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control
  - d) Details of surfacing, boundary treatments and landscaping structures including design, location, size, colour, materials and openings

Development shall be carried out in accordance with the approved scheme and in accordance with the landscape implementation plan. If at any time in the five years following planting any tree, shrub or hedge shall for any reason die, be removed or felled it shall be replaced with another tree, shrub or hedge of the same species during the next planting season to the satisfaction of the Local Planning Authority.

**Reasons:** In accordance with the principles of good design and the incorporation of biodiversity in and around developments.

6. No development hereby approved shall be occupied until details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent protected species using key corridors, forage habitat features or accessing roost sites.

The details shall include, but not limited to, the following:

- a) A drawing showing sensitive areas and/or dark corridor safeguarding areas
- b) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- c) A description of the luminosity of lights and their light colour
- d) A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- e) Methods to control lighting control (e.g timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

**Reasons:** To safeguard rural character from increased light pollution, visual amenity and maintain the existing value of biodiversity on and adjacent to the site to protect protected species.

7. No development hereby approved shall be occupied until details scheme for biodiversity enhancement, such as:

- a) incorporation of permanent bird boxes;
- b) nesting opportunities for birds;
- c) hedgehog highways (13cm x 13cm holes) within the bottom of any fences in order to allow for movement of species between the new gardens.
- d) hedgehog hibernacula/log pile;
- e) bat boxes; and
- f) invertebrate boxes

have been submitted to and agreed in writing with the Local Planning Authority.

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

**Reason:** In order to ensure no net-loss in biodiversity.

8. No surface water and/or land drainage shall connect directly or indirectly with the public sewerage network.

**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.

9. No building hereby permitted shall be occupied until details of cycle parking provision are submitted to and approved in writing by the Local Planning Authority.



The approved details must be implemented, retained thereafter and be kept free of obstruction and available for the parking of cycles only.

**Reason:** To ensure the provision and availability of adequate cycle parking.

**Further Notes for Committee:**

- . 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:** 07/03/2021 18:02:50  
**Expiry Date:** 20/01/2021

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