



Planning Committee

Date:	Thursday, 16 September 2021
Time:	6.00 p.m.
Venue:	Palace Suite - Floral Pavilion

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

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1. MINUTES (Pages 1 - 6)

To approve the accuracy of the minutes of the meeting held on 12 August 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/20/01667: DENECOURT 37 OLDFIELD DRIVE, HESWALL, CH60 6AB, ERECTION OF 5NO. APARTMENTS AND ASSOCIATED CAR PARKING AND AMENITY (Pages 7 - 20)

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PLANNING COMMITTEE

Thursday, 12 August 2021

<u>Present:</u>	Councillor	S Kelly (Chair)	
	Councillors	K Hodson S Frost B Kenny M Jordan	A Gardner B Berry H Gorman AER Jones
<u>Deputy:</u>	Councillor	I Williams (In place of S Foulkes)	
<u>Apologies:</u>	Councillors	S Foulkes P Stuart	

17 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 15 July 2021 for approval.

Resolved – That the minutes of the meeting held on 15 July 2021 be approved.

18 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.

No such declarations were made.

19 ORDER OF BUSINESS

With the consent of the Committee, the Chair varied the order of business.

20 APP/20/01888: THE STIRRUP, ARROWE PARK ROAD, WOODCHURCH, CH49 5PB - CONSTRUCTION OF NEW APARTMENT BUILDING FOR RETIREMENT LIVING/EXTRA CARE, COMPRISING OF 46 NO. FLATS WITH ASSOCIATED FACILITIES

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

An objector to the application addressed the Committee.

The Agent for the Applicant addressed the Committee.

Ward Councillor, Jean Robinson addressed the Committee with objections to the application.

It was moved by Councillor B Kenny and seconded by Councillor S Frost that the application be approved.

The motion was put and lost (4:6).

It was then moved by Councillor S Kelly and seconded by Councillor K Hodson that the application be refused for the following reason:

“The proposed development would result in a scale and form of development that fails to relate sufficiently to the existing built form adjacent to and surrounding the site that does not provide a consistent and coherent setting for the space or street that it defines. The height and mass of the development adjacent to Arrowe Park Road would result in creating an overbearing development that gives rise to a detrimental impact on the character of the area. The proposed development is therefore considered to be contrary to Policy HS4 of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework.”

The motion was put and carried (6:4).

Resolved (6:4) – That the application be refused for the following reason:

The proposed development would result in a scale and form of development that fails to relate sufficiently to the existing built form adjacent to and surrounding the site that does not provide a consistent and coherent setting for the space or street that it defines. The height and mass of the development adjacent to Arrowe Park Road would result in creating an overbearing development that gives rise to a detrimental impact on the character of the area. The proposed development is therefore considered to be contrary to Policy HS4 of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework.

21 **APP/21/00571: THE BARN (ATTACHED TO FARM VIEW), LANDICAN LANE, LANDICAN CH49 5LJ - BARN CONVERSION TO FORM DWELLING. EXTENSION TO REAR ELEVATION TO FORM PORCH**

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

Ward Councillor Mike Collins was unable to attend the meeting as he was away. Mr M Neal, Legal Advisor to the Committee, therefore read out to the Committee his statement requesting that the application be refused.

The applicant's Agent addressed the Committee.

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

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

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

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

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25 March 2021.

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

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

No tree felling, scrub 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 buildings, 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.

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 provided for approval and implemented in accordance with those details.

No development shall take place until the applicant has submitted a written scheme of investigation for archaeological work for approval in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Works will not commence until the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified development to go ahead or until the local planning authority has been provided with confirmation that the site has been registered under the mitigation class licence to allow low impact work on bat roosts (CL21).

Pre commencement and during development, mitigation to be instated must match that as described in Dusk Survey Results (Tyrer Ecological Consultants Ltd, 2020), namely implementation of a Schwegler 2F bat box (or suitable equivalent) as a receptor roost and creation of new roosting provision in the form of two access points at the roof verge/wall plate along with the local use of bitumen 1F underfelt. A scheme of supervision will be required whereby all identified potential roost features are dismantled under the supervision of a suitably qualified Ecological Clerk of Works (ECoW). One Schwegler 2F bat box (or suitable equivalent) and one Schwegler

2FN bat box (or suitable equivalent) will be erected on a suitable tree in proximity to the survey area; if this is not possible, a pole-mounted box is required prior to commencement of development. This box will act as a receptor should bats have to be captured and relocated to it during the work schedule. The structures provided as mitigation should be retained as bat roosts in perpetuity.

PRIOR TO OCCUPATION, details of all soft and hard landscaping including the surface material for the proposed car parking area shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to occupation in full to the satisfaction of the Local Planning Authority.

- 22 **APP/21/00210: EMMAUS BIBLE SCHOOL, CARLETT EVANGELICAL CHURCH, CARLETT BOULEVARD, EASTHAM CH62 8BZ - CHANGE OF USE FROM CLASS E(G) OFFICE USE (FORMELY B1(A)) TO A MIXED E(G)(I)/E(E) USE TO FORM EYE CLINIC AND SEPARATE OFFICE SPACE. EXTERNAL WORKS INCLUDE ERECTION OF SINGLE-STOREY PORCH EXTENSION TO FORM NEW ENTRANCE TO CLINIC WHILST NEW ENTRANCE TO EXISTING OFFICES WILL BE FORMED TO SIDE ELEVATION; ALTERATIONS TO EXISTING OPENINGS; AND A NEW 2M HIGH ENTRY GATE AND FENCE TO FRONT AND SIDE BOUNDARIES.**

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

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

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

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

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

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 23 July 21 and listed as follows: 121-04 B-01 Rev B.

The clinic hereby approved shall only be open to customers between the hours of Monday - Friday 08:30 -17:30.

The cycle storage facilities shown on the approved plans shall be provided in accordance with the approved details and made available for use prior to the clinic/offices hereby permitted first coming into use and shall be retained for use at all times thereafter.

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Agenda Item 3

Reference:
APP/20/01667

Area Team:
**Development
Management Team**

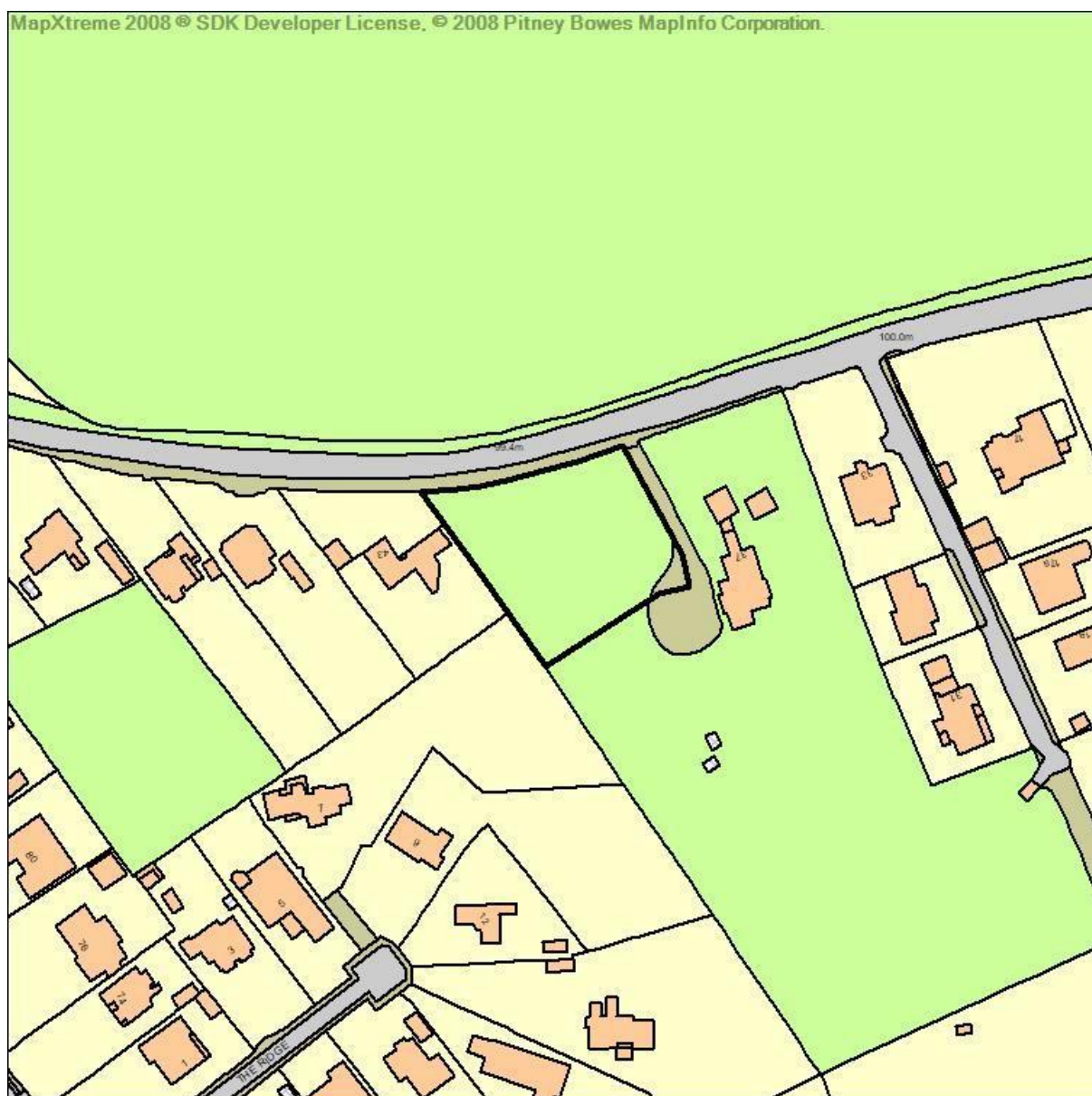
Case Officer:
Mr J Browne

Ward:
Heswall

Location: Denecourt 37 Oldfield Drive, HESWALL, CH60 6AB
Proposal: Erection of 5no. apartments and associated car parking and amenity
Applicant: Grosvenor Homes (Wirral) Ltd
Agent : Paddock Johnson Partnership

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: Denecourt, 37 OLDFIELD DRIVE, HESWALL, CH60 6SS
Application Type: Full Planning Permission
Proposal: Erection of 6no. dwellings and access road on land to side and rear of 'Denecourt', 37 Oldfield Drive, Heswall
Application No: APP/16/01515
Decision Date: 23/01/2017
Decision Type: Approve

Location: Denecourt, 37 OLDFIELD DRIVE, HESWALL, CH60 6SS
Application Type: Full Planning Permission
Proposal: Variation of condition 11 (approved plans) of planning permission APP/18/00148 (one detached dwelling) to allow alterations to the design and external appearance of the dwelling.
Application No: APP/18/01610
Decision Date: 04/02/2019
Decision Type: Approve

Location: Denecourt, 37 OLDFIELD DRIVE, HESWALL, CH60 6SS
Application Type: Full Planning Permission
Proposal: Proposal for the erection of one new detached dwelling
Application No: APP/18/00148
Decision Date: 10/08/2018
Decision Type: Approve

Location: Denecourt, 37 OLDFIELD DRIVE, HESWALL, CH60 6SS
Application Type: Full Planning Permission
Proposal: Construction of 2 detached dwellings (variation of Condition 11 of planning approval APP/18/00148 to amend design of plots 6 & 7)
Application No: APP/19/00085
Decision Date: 18/03/2019
Decision Type: Approve

Location: Denecourt, 37 OLDFIELD DRIVE, HESWALL, CH60 6SS
Application Type: Non Material Amendments
Proposal: Addition of 2no. dormers within roof on front elevation of plots 6 and 7
Application No: NMA/18/01609
Decision Date: 02/01/2019
Decision Type: Refuse

Location: Denecourt, 37 Oldfield Drive, Heswall, CH60 6SS
Application Type: Full Planning Permission
Proposal: Construction of 6 no apartments
Application No: APP/19/01814
Decision Date: 15/04/2020
Decision Type: Refuse

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 thirty seven neighbouring addresses on 7 February 2021. The deadline for receipt of representations passed on 6 March 2021.

REPRESENTATIONS

36 letters of objection were received and are summarised as follows:

- Massing, Scale (three storeys), Design unacceptable;
- Apartment building out of proportion;
- Housing can be delivered outside of Heswall in vacant properties;
- Overdevelopment of the site;
- Approved house on the site is more suited;
- Out of character;
- Impact on trees;
- Impact on an area of natural of beauty;
- Impact on the Greenbelt, treescape and hedgerows, and existing sandstone walls;
- Incremental development on the site and the wider area;
- Similar application was previously refused;
- Insufficient garden space;
- Lack of car parking for residents and visitors;
- Increases traffic and vehicle movements;
- Road surfaces not suitable (risk to life);
- Access and egress for vehicles and emergency services on narrow unadopted road;
- Conflict with footpaths and bridleways;
- Conflict with walkers and horse riders;
- Construction period and management (risk assessment required);
- Lack of illumination;
- Precedent is being created;
- Development to maximise profits;
- Impact on wildlife;
- Impact on amenity; and

- Original design approved is better

10 letters of support were received and are summarised as follows;

- Sits comfortably with the new houses around it;
- Improvement / enhancement of the area;
- Good quality design;
- Brownfield site should be developed to its full potential;
- Greater variety of homes in the local area;
- High standard of housing;
- Housing for downsizers;
- Reduces housing pressures;
- Reduces pressure on the Greenbelt.

CONSULTATIONS

Highways – No objection or safeguarding condition is required to make the development proposals acceptable. The vehicle crossing on Oldfield Drive will be made obsolete by proposal to close opening, the rural verge will require reinstating back to verge. This will be referenced by way of informative.

The Heswall Society Committee – Objection: The proposed apartment block is taller than the previous refused application and is a full three storeys plus roof. The Planning Inspector upheld the refusal of this previous application, and one of the principal reasons given was the excessive mass of the building. The current application not only does not address this concern, but emphasises the discordant impact a building of this height and design will have on the street scene.

3.1 Site and Surroundings

- 3.1.1 The site is the former domestic garden to the south and west of 37 Oldfield Drive which now forms a development site for a scheme of six dwellings, first consented in 2017. This particular site is plot 1, directly to the south of Oldfield Drive and to the west of the access road serving the remainder of the new dwellings.
- 3.1.2 The site lies in the established residential area of Heswall. Residential properties line the southern side of the road, with open farmland to the north, which falls within the Green Belt (although the site itself is not within this designated area). Mature trees, subject of Tree Preservation Order (TPO) No. 373, occupy the site.

3.2 Proposed Development

- 3.2.1 The proposal seeks planning permission to deliver 5 residential dwellings within a part 3, part 2 storey apartment block set within a large residential landscaped garden.
- 3.2.2 The application follows the refusal of planning application APP/19/01814 on 15th April 2020 for construction of originally 6 no apartments, 5 of which were considered at dismissed appeal decision (APP/W4325/W/20/3252108) dated 7 August 2020.
- 3.2.3 Planning application APP/19/01814 was refused by the Council for the following reasons:

1. The proposal, by reason of its design, bulk and mass would appear as a discordant element in the street scene which is detrimental to the general character of the area. The proposal is therefore considered to be contrary to Wirral Unitary Development Plan Policy HS4, Supplementary Planning Document 2 and the National Planning Policy Framework.
 2. The applicant has not provided sufficient evidence to ensure that no further trees are to be removed from within the site and those existing trees have adequate space to grow as a consequence of this proposed development. The loss of any additional trees within this site will have a detrimental impact on the visual quality and defining character of the area. The proposal is therefore contrary to Wirral's Unitary Development plan policies GR7 and HS4 and policies contained within the NPPF.
- 3.2.4 The main issue considered at the appeal (APP/W4325/W/20/3252108) was the effect of the proposed development on the character and appearance of the area, including the effect of the proposal on protected trees.
- 3.2.5 The Planning Inspector concluded that: *the proposed development would result in significant harm to the character and appearance of the area, including the effect of the proposal on protected trees. Conflict would arise with saved UDP Policies HS4, GR5 and GR7. These policies, despite their age, are consistent with the Framework as they seek to create high quality housing development that relates well to the surrounding area, its character and by maintaining existing natural features. I give them significant weight as a result. The proposal would also conflict with Supplementary Planning Document SPD2 – Designing for Self-Contained Flat Development and Conversions and paragraphs 124 and 127 of the National Planning Policy Framework (the Framework). Jointly, these seek, among other things, development to relate well to the overall quality and character of the area, including its landscape setting, having regard to scale, massing, height and design of the development in context of neighbouring buildings...The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*
- 3.2.6
- 3.2.7
- 3.2.8 *The above was in part was also predicated on the fact that the proposal would potentially harm the health and wellbeing of a tree, referred to as T6 as evidenced in the following:*
- 3.3.9 *'Although the principle of building within the RPA of T6 may have been previously agreed with the Council in an earlier planning permission¹, the schemes are not the same despite the comparisons made by the appellant. From the various reports and associated plans before me, many of which relate to fundamentally different layouts to that now proposed, there is no such cross-section that relates to the development proposal for the 5 no. apartments. This leaves me with little confidence that the proposal could be built whilst retaining T6 in the short, medium and long-term. Its loss or potential loss would be to the detriment of the character and appearance of the area given that it is a high quality tree specimen that plays a vital role as a standalone feature tree not only on the site itself but also in the surrounding area'.*
- 3.3.10
- 3.3.11 The significance of tree, T6 is that it is a category A tree, which is defined as a tree that is high quality and value capable of making a significant contribution to the area for 40 or more years. Category B. Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years.
- 3.3.12 With regards to the other trees on the site, the inspector confirmed that the appeal scheme could be developed without resulting in harm to T2, T5 and T7, subject to a planning condition to secure protection measures during construction.

The proposed form, massing and design of the revised development is characterised by a subordinate pitched roof central element positioned between two front gable ends that comprise windows on the lower floors and Juliet and recessed balconies on the top floor.

Either side of the central front gable ends are subservient two storey side additions with pitched roofs characterised by sliding doors and gable ends. To the rear of the property is a protruding two storey flat roof addition.

The development is orientated to front Oakfield Drive set back from the highway and accessed via a central residential core. To the rear of the site are 6 car parking spaces, on site bin stores and 1.8m high boundary fence. There is a secondary access to the rear of the property for those accessing the site by car and bicycle.

No works to trees on the site are proposed as part of the development proposals.

A series of amendments were submitted to the LPA in July 2021 to enhance the design quality of the proposals, visual amenity, and the living conditions of any potential future residents. The amendments are summarised as follows:

- The front entrance is widened to create a better arrival position, incorporating large double doors and an internal lobby.
- Reconsidered circulation around the site, with a softening of the proposed materials to blend into the main building and surrounding houses.
- Bicycle parking provision has been increased to 10 spaces within the landscaping to encourage sustainable travel.
- The bin store has now been screened by hedge planting to minimise its visual impact.
- To avoid unnecessary loss of privacy for the proposed ground floor flats, gated hard standing to create small private areas for residents is proposed to avoid anyone being able to walk directly past other resident's windows.

3.3 Development Plan

Housing

- 3.3.1 Policy HS4 (Criteria for New Housing Development) although applicable to Primarily Residential Areas contains criteria for assessing the quality of the development and amenity for future occupiers.

Trees

- 3.3.2 UDP Policy GR7 (Trees and New Development) and The Wirral's Tree, Hedgerow and Woodland Strategy 2020 – 2030 also advocates the replacement planting of appropriately sized trees to ensure that the Council achieves its tree canopy cover target by 2050.

3.4 Assessment

- 3.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies taken as a whole should be refused unless material considerations justify granting permission. Similarly, proposals which accord with the Development Plan should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan as whole and then take account of other material considerations.

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

- Principle of development;
- Design and trees;
- Housing Quality and Provision;

- Highways;
- Residential Amenity;
- Ecology / protected species;
- Waste and recycling; and
- Construction methodology;

3.5 Principle of Development:

Housing

- 3.5.1 Chapter 5 of the NPPF (July 2021) "Delivering a sufficient supply of homes", states the Government's objective of significantly boosting the supply of housing within the UK. Paragraph 60 states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.
- 3.5.2 The 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 and the Government's objective of significantly boosting the supply of housing within the UK, as set out within the NPPF paragraphs 60, 74 and 119.
- 3.5.3 Dismissed appeal decision (APP/W4325/W/20/3252108) dated 7 August 2020 relating to the re-development of the site for 5 apartments also confirmed that the proposed residential development was acceptable in principle.
- 3.5.4 The development is therefore considered acceptable in land use terms.

3.6 Design / Impact on the character of the area:

- 3.6.1 NPPF paragraph 126 - 136 provide guidance on design in developments. Paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 3.6.2 The previous development proposal for 6 apartments on the site was refused on 15th April 2020 and the subsequent appeal, which was reduced to 5 apartments (APP/W4325/W/20/3252108) was dismissed on 7 August 2020.
- 3.6.3 As previously mentioned, the appeal decision was in part dismissed as the Planning Inspector concluded "*that the proposed development would result in significant harm to the character and appearance of the area, including the effect of the proposal on protected trees (in particular T6). Conflict would arise with saved UDP Policies HS4, GR5 and GR7.*"
- 3.6.4 This conclusion was based upon the fact that the Planning Inspector had "*little confidence that the proposal could be built whilst retaining T6 in the short, medium and long-term. Its loss or potential loss would be to the detriment of the character and appearance of the area given that it is a high-quality tree specimen that plays a vital role as a standalone feature tree not only on the site itself but also in the surrounding area.*"
- 3.6.5 Further to this, the Planning Inspector also stated that "*although the principle of building within the Root Protection Area (RPA) of T6 may have been previously agreed with the Council in an earlier planning permission¹, the schemes are not the same despite the comparisons made by the appellant. From the various reports and associated plans before*

me, many of which relate to fundamentally different layouts to that now proposed, there is no such cross-section that relates to the development proposal for the 5 no. apartments. This leaves me with little confidence that the proposal could be built whilst retaining T6 in the short, medium and long-term. Its loss or potential loss would be to the detriment of the character and appearance of the area given that it is a high quality tree specimen that plays a vital role as a standalone feature tree not only on the site itself but also in the surrounding area". The Root Protection Area signifies where no development typically should be avoided to preserve the health and wellbeing of a tree.

- 3.6.6 In response the revised planning application significantly reduces the level of encroachment of the RPA (i.e., the level of development where tree roots may be located) of T6 from 58sqm (dismissed appeal) down to 32sqm. This equates to a TPO encouragement reduction of 26sqm compared to what was previously deemed to be unacceptable. However, given the new proposed encroachment of the RPA is less than previously approved under planning application APP/19/00085. It is considered that the level of encroachment into the RPA is acceptable.
- 3.6.7

The submitted arboricultural method statement also sets out a detailed methodology of a sequence of operations to the protect the tree (T6) prior to, during and post the construction of the development. The proposed words include:

1. Erect temporary tree protective fencing;
 2. Install ground protection boards;
 3. Install pile and beam foundation;
 4. Main construction phase;
 5. Install No-Dig driveway;
 6. Removal of temporary fencing; and
 7. Arboricultural site supervision
- 3.6.8

- Given the proposed development proposal would intrude less into the RPZ than previously approved, combined with the detailed proposed tree protection works set out within the submitted arboricultural statement, it is concluded that Tree T6 would be retained in the short, medium and long term during following the construction of proposed development.
- 3.6.9

- The tree T6, is a high-quality tree specimen (Classification A) that plays a vital role as a standalone feature tree not only on the site itself but also in the surrounding area. Its preservation would therefore minimise the impact of the proposed development on the character and appearance of the area.
- 3.6.10

- In accordance with the findings of appeal decision (APP/W4325/W/20/3252108), it is also considered that the scheme could be developed without resulting in harm to T2, T5 and T7, subject to a planning condition to secure protection measures during construction.
- 3.6.11

- With regard to the proposed scale, form and design of the proposed development, it must be considered in the assessment of previously refused planning application. The Planning Inspector deemed that *"the proposed balconies across the front elevation would dominate and not relate well to the character of the area due to their number and width. I am mindful of the dwelling at plot 8, but the contrast would not be acceptable in this case. Thus, I agree with the Council that the proposed design would emphasise the vertical proportion and scale of the proposed building, and that the appeal scheme, even though amended by the appellants, would not relate well to the surrounding form of development."*
- 3.6.12

In response to the Planning Inspector's decision, the revised planning application has been designed to ensure that the proposed balconies alone and collectively would now read as subservient to the overall appearance of the front elevation. The increase in height of the proposed ridge of the main roof and front gable ends, is combined with the incorporation of

hipped roof form. These changes minimise the overall massing of the development, allowing for a greater vertical emphasis to be achieved and achieving a development that is more in keeping with appearance, form and design of surrounding residential properties.

- 3.6.13 The Planning Inspector also raised issue with the building footprint of the previous development stating that *“the proposed building would occupy much of the plot’s available width and depth once the RPA’s are accounted for.”* In response, the proposed development footprint has been reduced significantly and the car parking provision has been repositioned to the rear of the site. This allows for additional landscaping and a larger green space provision across the site, and particular to the front of the site, which reinforces the green and leafy appearance of the surrounding area.

A series of further amendments to the plan form were submitted to the LPA during the application, which has removed the previously proposed paving area to the east of the proposed building and installed additional landscaping provisions. The proposed amendments reduce the development pressure on the adjacent trees further and allow for greater privacy to the proposed ground floor units.

- 3.6.15 As a result of the substantial revisions proposed compared to the previously approved and refused schemes, it is considered that the proposed development now comprises a contemporary and well considered and clear design rational, which knits into the wider streetscene.

- 3.6.16 This is reinforced by the proposed construction materials for the development, which include Heritage blend brick, white through-coloured render, Brown roof tiles, PVC-U grey windows and timber effect composite doors.

- 3.6.17 With due consideration for the submitted neighbour objections regarding the potential loss of trees on the site, it is considered that this application achieves better tree protection than that of approved planning application APP/19/00085. For this reason, it is considered that the green and leafy appearance of the site would be preserved and the wider impact of the development on the overall appearance and character of the surrounding area is acceptable.

- 3.6.18 Subject to the attachment of safeguarding conditions regarding the materials used in the development and the landscaping provisions, it is concluded that the development would complement the visual amenity of the immediate streetscene and the wider local area.

3.7 Housing provision:

- 3.7.1 NPPF paragraph 124 takes into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

- 3.7.2 Paragraph 125 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

- 3.7.3 Wirral UDP Policy HS4 (Criteria for New Housing Development) ensures that new housing developments blends in well with that already built and creates a safe external environment for future residents and existing neighbours.

- 3.7.4 The proposed development designed with a northern and southern orientation comprises dual aspects units (two or more windows fronting different orientations), complies with National Space Standards and provides direct access to private terraces and communal amenity space. This would ensure that the residential development would be of an

acceptable standard for future residents of the development in accordance with the NPPF, Policy HS4 and Designing for Self-Contained Flats and Conversions SPD.

3.7.5 The development proposal does not comprise any additional affordable housing units, as it is not considered appropriate to negotiate such a provision in line Policy HSG2 (Affordable Housing Strategic Policy) for a development that comprises less than 10 units .

3.7.6 The absence of affordable housing was not considered to be an issue in the previous approval or appeal decision either

3.6.7 The development proposals seek to deliver 5 2-bedroom residential properties that can meet the needs of singles, couples and small families.

3.6.8 Due to the limited number of proposed dwellings (less than 10 units) , it is not considered necessary to provide wheelchair accessible dwellings. The absence of wheelchair housing was not considered to be an issue in the previous approval or appeal decision either. Having said that, a level access condition would be attached to any planning permission in response to varying levels of mobility in accordance with UDP Policy HS9.

The appeal decision raised no concerns with the level of external communal amenity space previously proposed, which has been consequently increased as a result of the reduction of built form on the site. For this reason, it is considered that development is acceptable in accordance with the overarching aspirations of Policy GR6.

3.7 Highways:

3.7.1 The following UDP policies were taken into account in this section:

- UDP strategic policy TRT1 (Provision For Public Transport);
- UDP Strategic policy TRT2 (Safeguarding Land For Highway Schemes);
- UDP strategic policy TRT3 (Transport And The Environment);
- UDP policy TR9 (Requirements for Off-Street Parking);
- UDP policy TR10 (Cycle Routes Proposal);
- UDP policy TR11 Provision for Cyclists in Highway and Development Schemes;
- UDP Policy TR12 (Requirements for Cycle Parking).

3.7.2 The proposals are all contained within a private boundary of the application site and do not impact on the adopted highway or existing pedestrian and cycle routes. No visibility splays would be impacted upon by the development proposals.

3.7.3 The proposal also comprises 6 off-street car parking spaces (1 per property plus a visitor space). The level of traffic generation by the development would result in a negligible impact on traffic generation compared to the wider approved development. The development would not raise any highway safety concerns either.

3.7.4 It is therefore considered that the development proposals would have a minimal impact on the surrounding area, as such there are no objections to the proposal from Wirral's Engineers (Highway officers) and there is no request for the attachment of a safeguarding planning condition.

3.7.5 A planning informative will be attached separately requiring the reinstatement of the verge.

3.8 Residential Amenity:

3.8.1 The proposed development by reason of its limited scale at three storeys, form and massing, separation distance from facing neighbouring within the wider 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.

- 3.8.2 It is therefore considered that the development would safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.
- 3.8.3 The proposed dwellings would accord with the internal space requirements of the national space standards. The inclusion of defensible space to the front, side and rear of the property, careful position of walkways to protect privacy of residents and landscaped gardens around the proposed development for the enjoyment of the future residents would ensure a high-quality standard of living would be delivered for future residents of the development.
- 3.9 Ecology
- 3.9.1 NPPF Paragraph 180 and UPD Policy NC7 (Species Protection) seek to ensure that development would have an adverse effect on wildlife species protected by law.
- 3.9.2 The preservation of the trees T2, T5, T6 and T7 would ensure that the development does not impact upon biodiversity of the site or natural habitat of any living species on the site.
- 3.9.3 No protected species have been identified on the site. However, as a precaution a planning condition will be attached that requires the protection of nesting birds. During the soft landscaping design, the following measures will also be secured by way of condition to enhance the biodiversity value of the site:
- The provision of native and non-native flowering perennial, annual and shrub species, to provide a pollen and nectar source for invertebrates.
 - Bird and/or bat boxes could be erected onto the new development.
 - Tree planting – where practical, native tree species should be planted.
- 3.9.4 For the above reasons, it is therefore considered that the proposed development would accord with NPPF paragraphs 180, 181 and 182 and UDP Policy NC7.
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- 3.10 Waste and recycling
- 3.10.1 The Joint Waste Local Plan for Merseyside Policy WM9 (Sustainable Waste Management Design and Layout for New Development) sets out that the design and layout of new developments must, where relevant, provide measures as part of their design to:
- Address the facilitation of collection and storage of waste;
 - provide sufficient access to enable waste and recyclable materials to be collected and transported;
 - accommodate home composting in dwellings with individual gardens; and
 - facilitate small scale, low carbon combined heat and power in major new employment and residential schemes where appropriate.
- 3.10.2 The development comprises sufficient space for site storage of refuse bins to the rear of the site. This is a suitable arrangement and would be secured by condition.
- 3.10.3 Subject to a safeguarding condition for the above-mentioned refuse provisions the development would accord with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8), which set out measures as part of design strategies for waste collection and recycling.
- 3.11 Construction methodology

- 3.11.1 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) require 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, no demolition works are required, and the proposed development is of a minor scale. It is therefore not considered necessary to use a waste audit or a similar mechanism such as a demolition/construction method statement to monitor waste minimisation, recycling, management and disposal in this instance.
- 3.11.2 The development can be delivered without causing any impact on the highway network or residential amenity. However, a Construction Management Plan would be secured by way of condition to ensure there is no detrimental impact on the highway network or residential amenity.

Summary of Decision:

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

The proposed development would preserve the character and appearance of the surrounding area and safeguard neighbouring residential amenity and not result in any harm in terms of highway and biodiversity matters. As such the development accords with the objectives of Wirral's Unitary Development Plan and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 11/01/2021 and 21/07/2021 (unless otherwise stated) and listed as follows:

19061-002-A

19061-117-A

19061-118 C

19061-119 J

19061-120 F

19061-121 D

19061-125-A

Tree Solution – Arboricultural Method Statement

Design and Access Statement
Design and Access Addendum
Extended Phase 1 Habitat Survey
Site Waste Management Note
SWF Consultants – Storm Water / SUDs Maintenance Plan
Heritage Blend Brick
White K Render

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

3. The facing materials to be used in the external construction of this development hereby approved and set out in the Design and Access Statement shall then be used in the construction of the development unless agreed otherwise in writing with the Local Planning Authority.

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

4. The dwellings hereby permitted shall not be occupied until the detailed scheme for landscaping hereby approved has been implemented. The landscaping provisions shall be retained in situ in perpetuity.

Reason: In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

5. Prior to first occupation of the development hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the approved residential curtilage and be retained in situ in perpetuity.

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

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

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.

7. The development hereby approved shall not commence until the LPA has approved in writing a full scheme of works and timetable for the construction of the new highway works and the amendment to the existing highway made necessary by this development.

The details to be submitted should include: new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile paved pedestrian crossings, street furniture, new bus stop provisions, access onto the adjacent highway, road safety audit and monitoring.

The approved works shall be completed prior to occupation of the development.

Reason: In the interest of highway safety and to comply with UDP Policy HS4 Criteria for new housing development.

8. The tree works methodology hereby approved and set out in Tree Solutions: Arboricultural Method Statement Oldfield Drive, Heswall – Phase 3 shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority.

Reason: To preserve the biodiversity of the site and health of the trees on the site in accordance with NPPF paragraphs 170, 175, 177 and UDP Policy GR7

9. 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.

Recommended Informative:

1. The vehicle crossing on Oldfield Drive would be made obsolete by the proposal hereby approved. This should be reinstating back into a rural verge.

Last Comments By: 06/03/2021 09:50:25

Expiry Date: 08/03/2021