

Planning Committee

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

Contact Officer: Katy Brown
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AGENDA

1. MINUTES (Pages 1 - 4)

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

2. MINUTES OF THE STRATEGIC APPLICATIONS SUB COMMITTEE (Pages 5 - 10)

To approve the accuracy of the minutes of the Strategic Applications Sub Committee held on 2 November 2021.

3. 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.

4. **APP/21/00963; SANDIWAYS, 46 HOYLE ROAD, HOYLAKE, CH47 3AQ PROPOSAL: FULL PLANNING APPLICATION FOR DEMOLITION OF EXISTING BUILDING AND THE ERECTION OF A RESIDENTIAL DEVELOPMENT WITH ASSOCIATED MEANS OF ACCESS, SITE INFRASTRUCTURE, CAR PARKING AND LANDSCAPING AT 46 HOYLE ROAD, HOYLAKE CH47 3AQ. (Pages 11 - 26)**
5. **APP/21/01371; 11 CALDY ROAD, WEST KIRBY, CH48 2HE PROPOSAL: DEMOLITION OF THE EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF A DETACHED BUILDING CONTAINING 6 APARTMENTS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. (Pages 27 - 42)**

Planning Committee Terms of Reference

The principal role of the Planning Committee is to act as the administrative committee responsible for making decisions as local planning authority on planning applications, development control and similar regulatory matters, which are more particularly described as Functions relating to town and country planning and development control and related matters as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Committee is charged by full Council to fulfil those functions:

- (a) to consider and determine applications submitted under the Planning Acts for planning permission, listed building consent, and reserved matters pursuant to major planning applications;
- (b) to consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations;
- (c) to determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused;
- (d) related matters including but not limited to:
 - (i) applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
 - (ii) applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
 - (iii) applications for remedial notices in respect of high hedges (Anti Social

Behaviour Act 2003, as amended);

(iv) applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);

(v) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;

(vi) powers related to Commons Registration;

(vii) functions relating to public rights of way;

(viii) the licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980; and

(ix) functions relating to Town and Village Greens;

(e) to exercise any other function of the Council under the Planning Acts and related legislation, whether as a local planning authority or otherwise, which may be referred to it by the Director for Economic and Housing Growth or other officer authorised by him/her.

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PLANNING COMMITTEE

Thursday, 11 November 2021

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	P Stuart
	K Hodson	M Jordan
	S Frost	B Berry
	AER Jones	H Gorman

Deputies:

Councillors J Walsh (Deputising B Kenny)
A Wright (Deputising A Gardener)

34 MINUTES

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

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

35 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.

36 APP/21/00233 - CRANFORD COTTAGE, 3 BUFFS LANE, BARNSTON, CH60 2SQ REMODELLING OF EXISTING DWELLING TO INCLUDE A REAR HIP TO GABLE CONVERSION TO ALLOW FIRST FLOOR ACCOMMODATION WITH SINGLE STOREY SIDE AND REAR EXTENSIONS. (CONSULTATION ON AMENDED PLANS AND DESCRIPTION OF DEVELOPMENT, REDUCING THE SCOPE OF THE WORKS)

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

On a motion by the Chair and seconded Councillor Kathy Hodson it was –

Resolved (11:0) – that the application be approved subject to 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 28th June 2021 and listed as follows:

2020 153 002 Revision 05 (Proposed Plans and Elevations) dated 28-06-2021.

- 37 **COMX/21/01509 - 215 SEAVIEW ROAD, LISCARD, CH45 4PD CONVERSION OF GROUND FLOOR SHOP UNIT TO PROVIDE ONE GROUND FLOOR FLAT UNDER GENERAL PERMITTED DEVELOPMENT ORDER SCHEDULE 2, PART 3, CLASS M (AMENDED SCHEME)**

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

The Ward Councillor addressed the Committee.

On a motion by the Chair and seconded by Councillor Steve Foulkes it was –

Resolved (10:1) – that the application be approved subject to the following conditions.

The development hereby approved shall be completed within a period of 3 years starting with the date of this decision.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th October and listed as follows: 02 Proposed Plans 215SR Rev B; 03 Elevations 215SR Rev A

Prior to first occupation of the ground floor residential unit the secure bike storage, as shown on Drawing 04 Site and Location Plan-216SR Rev A, shall be provided and made available for use, and shall be retained for use at all times thereafter.

- 38 **COMMITTEE DECISION REPORT - PLANNING SCHEME OF DELEGATION FINAL DRAFT**

The Director of Law and Governance submitted the above report for consideration.

On a motion by the Chair and seconded by Councillor Steve Foulkes it was –

Resolved (11:0) – That the committee approve;

- 1. The amended Scheme of Delegation for Determination of Planning Applications and Planning Related Matters as referred to in Appendix 1 of the report, subject to an amendment that ward members may request that a planning application which has a significant effect on their ward be referred to Planning Committee;**
- 2. That the Director of Law and Governance be authorised to finalise the amended Scheme of Delegation for Determination of Planning Applications and Planning Related Matters;**

- 3. The amended Speaking Protocol for Planning Committee as referred to in Appendix 2 of the report; and**
- 4. The update to the guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings as referred to in Appendix 3 of the report.**

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STRATEGIC APPLICATIONS SUB COMMITTEE

Tuesday, 2 November 2021

Present:

Councillor S Kelly (Chair)

Councillors S Foulkes H Gorman
S Frost K Hodson
A Gardner

Deputies:

Councillors S Frost (for B Kenny)

10 **APOLOGIES**

Apologies were received from Councillor Brian Kenny, with Councillor Samantha Frost deputising.

11 **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.

12 **DPP4/20/01627: WEST KIRBY MARINE LAKE, SOUTH PARADE, WEST KIRBY, PROPOSAL: THE PROPOSED DEVELOPMENT CONSISTS OF THE CONSTRUCTION OF A NEW LINEAR SECONDARY DEFENCE WALL, SET BACK ALONG THE EDGE OF THE SOUTH PARADE PROMENADE IN WEST KIRBY WHICH WILL OFFER A HIGH STANDARD OF PROTECTION TO LOCAL RESIDENTIAL AND COMMERCIAL PROPERTIES. (AMENDED PILLING METHOD RECEIVED)**

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

The Lead Petitioner addressed the Committee.

The Lead Principal Lawyer (Regeneration, Planning and Property), read out a statement submitted by a resident.

A representative of the Applicant addressed the Committee.

On a motion by the Chair and seconded by Councillor Steve Foulkes it was –

Resolved (5:2) – that the application be approved subject to the following conditions.

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

2. The development shall be carried out in accordance with the submitted flood risk statement (ref: October 2018/60581996 Revision 1/AECOM Ltd) and the following mitigation measures it details: construction of tidal flood protection wall approximately 1.2m height, the works are designed to remain operational in times of flood, will not result in any net loss of fluvial flood storage, nor increase flood risk elsewhere. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

3. No development shall commence until the final sustainable drainage strategy for the management and disposal of surface water from the site in accordance with Defra's Non-statutory technical standards for sustainable drainage systems and the principles identified in the following submission has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

West Kirby Flood Alleviation Scheme - Surface Water Flood Risk Assessment (11 January 2021/ Ref: 33/2002/02/ CEUK)

4. Construction of the development shall not begin until full details of the highway works and/or amendment of the existing highway made necessary by this development has been submitted to and agreed in writing with the Local Planning Authority. The approved works shall be completed in accordance with the LPA written approval.

5. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

Construction traffic routes, including provision for access to the site /exit from the site for visitors/contractors/deliveries

Any Temporary Traffic Regulation Orders that may be required to accommodate the provision of safe access/egress from the site for site vehicles and deliveries

Schedule for large vehicles delivering/exporting materials to and from site

Storage of materials and large/heavy vehicles/machinery on site

Location of directional signage within the site

Siting of temporary containers

Parking for contractors, site operatives and visitors

Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction

Measures to control noise and dust/street sweeping/street cleansing/wheel wash facilities

Details for the recycling/disposing of waste resulting from demolition and construction works

Hours of working

Phasing of works including start/finish dates

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

6. The timing of the works shall comply with the details contained within the construction schedule of works unless otherwise agreed. Specifically, the main construction period for the coastal defence is to be during the period of April to September. Specific high disturbance works must only be undertaken during the period of April to September inclusive unless previously agreed in writing by the Local Planning Authority.

7. Prior to commencement of works a Construction Environmental Management Plan is shall be submitted to and agreed in writing with the Local Planning Authority. and shall include:

i. Details of mitigation measures to be implemented to prevent noise and visual disturbance to birds during the works as set out within the HRA;

ii. Details of where, how and when Heras acoustic barriers would be employed based on table 22 of the HRA.

ii. Pollution prevention measures.

The approved scheme shall be implemented in full to the satisfaction of the Local Planning Authority.

8. Prior to commencement of works submission of a bird monitoring method statement shall be submitted to and Agreed in writing by the Local Planning Authority and shall include:

i. Details of the frequency and duration of bird monitoring visits;

ii. Details of bird behavioural trigger thresholds which would require action and mitigation;

- iii. Details of action or potential action options should disturbance thresholds be triggered.
- iv. Details of reporting of construction bird monitoring to the Council and Natural England
- v. Post development monitoring method statement of bird numbers at the Old Bath site roost for a two year period for agreement with the Council and Natural England and its subsequent implementation.
- vi. Details of the required Ecological Clerk of Works who will be responsible for the undertaking of bird monitoring and ensuring appropriate mitigation measures are in place.

Details of the approved scheme shall be implemented in full to the satisfaction of the Local Planning Authority.

9. Prior to the commencement of development details of the proposed information boards shall be installed at the Old Bath site to help raise public awareness about the abundant wildlife present in the area and especially the use of West Kirby Beach and Marine Lake by nationally and internationally important numbers of seabirds and waders shall be submitted to and agreed in writing with the Local Planning Authority. The approved boards shall be installed within 2 months of the completion of the development and retained and maintained thereafter.

10. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

11. 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.

12. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

13. Details if the proposed lighting shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full to the satisfaction of the Local Planning Authority.

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Agenda Item 4

Planning Committee

16 December 2021

Reference:
APP/21/00963

Area Team:
**Development
Management Team**

Case Officer:
Mr J Browne

Ward:
Hoylake and Meols

Location:
Proposal:

Sandiways, 46 HOYLE ROAD, HOYLAK, CH47 3AQ
Full planning application for demolition of existing building and the erection of a residential development with associated means of access, site infrastructure, car parking and landscaping at 46 Hoyle Road, Hoylake CH47 3AQ.

Applicant:
Agent :

Blueoak Estates Ltd

Qualifying Petition: Yes, Number of Signatures: 68

Site Plan:



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Development Plan designation:
Coastal Zone
Primarily Residential Area

Planning History:

N/A

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 twenty-five neighbouring addresses on 10 June 2021. The deadline for receipt of representations passed on 05 July 2021.

REPRESENTATIONS

A 68 signature petition and 46 letters of objection were received and the representations are summarised as follows:

- Direct loss of light
- Loss of Privacy;
- Overbearing / dominating construction;
- Increased traffic and congestion;
- Highway safety issues for cyclists and pedestrians;
- 16 car parking spaces is excessive;
- Out of character;
- Lack of boundary details information;
- Unacceptable scale;
- 8 apartments is too dense;
- Adverse effect on visual amenity;
- Noise and disturbance during construction;
- Three stories is too tall;
- Loss of trees;
- Extends beyond existing building line;
- Windows are out of keeping;
- Loss of views;
- Excessive ridge height;
- Tree replanting strategy required;
- Loss of beautiful house;
- Fails to provide jobs and new services ;
- Does not assist bio-diversity plan;
- Fails to promote well-being;
- Fails to promote sustainable travel choices;
- Sets a new precedent;
- Inadequate neighbour consultation;
- Impact on local amenities;
- Excessive footprint;
- Environmental impacts;
- Detracts from Victorian 1930 era promenade.

CONSULTATIONS

MEAS – A dusk or dawn bat survey prior to determination is required as the building is categorised as low suitability for roosting bats.

Highways – No objection subject to the attachment of an informative

Traffic & Transportation – No objection subject to s106 funding for TRO, a construction management plan being secured by way of condition and the following informatives:

- Prevention of unauthorised works occurring within the highway;
- Construction of a new or the amendment/removal of an existing vehicular access; and
- Off-Site Highway Works

Environmental Protection – No objection

Wirral Wildlife – Advised the following:

- The ecological report should be updated in the summer before determination;
- A construction management plan to protect remaining sand dune grassland is required as a result of the loss of a fifth of the sand dune grassland;
- Detailed method statement is required
- Ecological measures in PEA 9.5 must be carried out under the supervision of an ecologist and monitored for 5 years by way of condition;
- Off site compensation for loss of 100 sq. m of habitat in accordance with PEA 9.6; and
- Educational pack required to advise future residents that the grassland is full of wild flowers and not weeds.

Natural England – No objection (subject to appropriate mitigation being secured) and agreement with the overall conclusions of the Habitat Regulations Assessment. The required mitigation measures include:

A detailed construction environmental management plan including how certain activities will be limited in time, location or disturbance levels to minimise the risk of impacts to SPA birds. This should include visual and noise disturbance mitigation measures, and measures to prevent the pollution of adjacent habitat; and

- Provision of an awareness raising information leaflet in householder information packs for residents promoting the use of suitable alternative natural greenspace and highlighting the sensitivity of national and international sites

3.1 Site and Surroundings

- 3.1.1 The surrounding area is generally characterised by large residential buildings in generous plots. The site is bound to the north by Meols Parade, beyond which lies Meols Parade Gardens and Hoyle Beach. Hoyle Road forms the western boundary and the site directly faces the Parade Community Centre which is located on the other side of Hoyle Road. The site is bound by existing properties to the south and east along Hoyle Road and Meols Parade.
- 3.1.2 There are no trees within the site boundary that are protected by a Tree Preservation Order ('TPO').

3.2 Proposed Development

- 3.2.1 The proposal seeks planning permission for the demolition of the existing dwelling and replacement with a part 2 storey, part 3, 8 apartment building set within landscaped gardens.
- 3.2.2 The proposals include a new access off Meols Parade, 16 off-street car parking spaces and provision for 8 cycle storage spaces.
- 3.2.3 The proposed building is designed to read as a large single dwelling when viewed from Meols Parade and is set back from highway by 6.5m. The proposals would be 4.950m high to the eaves, 8.091m high to the gable ridge and 9.16m high to the main ridge.
- 3.2.4 The proposal would be constructed in the following materials:
- red stock brick;
 - clay tile;
 - flush sash casement windows;
 - chalk white render; and
 - cast stone.
 -

3.3 Development Plan

3.3.1 The Wirral Unitary Development Plan 2000

HS4 Criteria for New Housing Development

GR5 Landscaping and New Development

GR7 Trees and New Development

TR9 Requirements for off Street Parking

CO1 Development Within the Developed Coastal Zone

NC1 The Protection of Sites of International Importance for Nature Conservation

NC2 Sites of International Importance for Nature Conservation

NC3 The Protection of Sites of National Importance for Nature Conservation

NC4 Sites of National Importance for Nature Conservation

NC7 Species Protection

Hoylake Neighbourhood Plan

5.1. Protection of Natura 2000 Sites

5.2. Improving the Town Centre

5.3. The Promenade and Recreation

5.4. Getting Around Hoylake

5.5. Special Buildings and Places

5.6. Homes in Hoylake

5.7. Enhancing Carr Lane Industrial Estate

Wirral SPDs

Supplementary Planning Guidance 4: Parking Standards

Supplementary Planning Document: Designing for Self-Contained Flat Development and Conversions

Other Material Planning Considerations

The Joint Waste Local Plan for Merseyside and Halton

WM8 Waste Prevention and Resource Management

WM9 Sustainable Waste Management Design and Layout for New Development

The National Planning Policy Framework (2021)

- Achieving sustainable development
- Decision-making
- Achieving well-designed places

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 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.
- 3.5.3 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.
- 3.5.4 The development proposals seek to deliver 8 residential properties that can meet the needs of singles, couples and small families
- 3.5.5 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.
- 3.5.6 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 standards for new residential development are set out under Policy HS4 of the Wirral Unitary Development Plan 2000. Proposals should be of a scale with regard to existing densities and form of development and not result in detrimental change in the character of the area. Appropriate landscaping and boundary which relates the proposed development to its surroundings should be incorporated into development proposals.
- 3.6.3 The Supplementary Planning Document on Designing for Self-Contained Flat Development and Conversions states that applicants will be expected to show how good design and layout has been taken into account through drawings and design statements that show how the proposed development will fit in with surrounding properties and within the wider setting of the area. Poor design or development that fails to take the opportunities available for improving the character and quality of the area are unlikely to be approved.
- 3.6.4 The surrounding area is characterised predominantly by two storey residential properties with the exception of the adjacent community centre which is the equivalent of a three-storey building and the adjacent dwelling which is single storey with a dormer. The buildings in the area are of varying designs and form as well as having a mix of materials.
- 3.6.5 Policy GR5 of the UDP states that in order to secure the protection and enhancement of visual amenity, the Local Planning Authority will require applicants to submit full landscaping proposals before full planning permission is granted. The proposed landscaping scheme within Planting Plan (Ref: LDS491-01) is considered appropriate in terms of the nature and location of the development proposed, the visual prominence of the site and the potential visual impact of the development and the character of the surrounding area.
- 3.6.6
- 3.6.7 33% of the total site area is proposed as soft landscaping creating a communal garden area for exclusive use of residents in accordance with SPD2 Designing for Self-Contained Flat Development and Conversions. This is in addition to private outdoor amenity space

provided in the form of balconies and patios.

3.6.8

The objections raised by third parties regarding the design, massing and density of the proposals and its potential to impact the character of the area have been duly considered in the assessment of these proposals. However, it is clear that there is significant scale and prominence of the adjacent community centre which is the equivalent of three storeys high. There are also commercial and recreational buildings along the promenade in addition to the surrounding residential properties. It is not considered that there is a single uniform appearance, form, scale and type of development within the immediate vicinity that must be adhered to. For these reasons, combined with the fact that the proposal is residential in scale, form and appearance, it is considered that the development proposals would be acceptable in massing design terms.

3.6.9

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 street scene and the wider local area.

3.7 Highways

3.7.1 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 16 off-street car parking spaces (2 per property). Wirral Highway officers have advised that although the in-curtilage parking is considered sufficient for the resident parking demand there is no visitor parking provided within the curtilage. As this is to be catered for within the existing on-street provision, it is considered appropriate for the developer to provide the necessary funding to introduce waiting restrictions at the Dovedale Road / Hoyle Road junction in the form of double yellow lines to help maintain the visibility splay at the junction and keep it clear of parked vehicles associated with the development.

3.7.4 The cost of the traffic regulation order would be met by the applicant/developer and delivered as part of a s106 obligation.

3.7.5 The proposed level of cycle parking accords with the TR12 cycle parking recommendations and provides as a minimum one storage space per apartment. The site is to be accessed from a new vehicle access onto Meols Parade which has satisfactory visibility and set back appropriately from the junction.

3.7.6 The objections raised by third parties regarding highway safety, congestion, parking design and failure to promote sustainable modes of transport have been duly considered in the assessment of these proposals. However, it is considered that the development proposals would have a minimal impact on the surrounding area in highway terms. While no objections to the proposal from Wirral's Engineers (Highway officers) were received

3.7.7 A Construction Management Condition, a Section 106 contribution to for a TRO and informatives will also be attached in accordance with the requirements of Wirral Highways and Wirral Wildlife.

3.8 Residential Amenity

- 3.8.1 The Designing for Self-Contained Flats and Conversions SPD2, states Development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property. Unless it can be demonstrated that privacy would not be unduly affected, habitable room windows directly facing each other should be at least 21 metres apart
- 3.8.2 The proposed development by reason of its limited scale at two / three storeys, form and massing, separation distance (ranging from 18.8m – 23.3m) 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.
- 3.8.3 Amendments were also have been secured to ensure that the side windows would be obscurely glazed to preserve privacy to the adjacent ground floor side window of no. 4 Meols Parade.
- 3.8.4 The objections raised by third parties regarding impacts on their living conditions regarding loss of privacy, views and outlook have been assessed. It is concluded that the development would safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.

3.9 Ecology

- 3.9.1 NPPF Paragraph 180 and UPD Policy NC7 (Species Protection) seek to ensure that development would not have an adverse effect on wildlife species protected by law.
- 3.9.2 A Preliminary Ecological Appraisal Report has been prepared by Tyrer Ecological Consultants Limited to support the planning application. The Report sets out a number of recommendations including:
- A strategy which aims to mitigate and compensate for impact to dune grassland:
 - Further surveys to establish the presence / absence of bats at the property;
 - Clearance operations recommended to be undertaken outside of the main nesting period (March-August) unless it can be established that nesting birds are absent; and
 - A series of recommendations to provide opportunities for biological enhancement at the development site.
- 3.9.3 Policy NC1 of the Hoylake Neighbourhood Plan states that proposals which may result in a likely significant effect on an internationally important nature conservation site must be accompanied by sufficient evidence to enable the Council to make a Habitats Regulations Assessment (HRA). As the site is within the Impact Risk Zone of statutory designated conservation site(s), a Habitat Regulations Assessment (HRA) report to accompany the PEA report. Mitigation is also proposed for Likely Significant Effects related to noise and run-off at the construction phase.
- 3.9.4 The mitigation measures recommended within the HRA Report both prior to and during the construction phases have been reviewed by MEAS and Wirral Wildlife. MEAS advised that the conclusions of the HRA remain valid, however, they must be secured via a suitably worded condition to ensure that resident awareness is raised, and a Construction Environmental Management Plan is secured.
- 3.9.5 Wirral Wildlife did not raise objection to the proposals either; however, the following actions were deemed to be necessary:

- The ecological report should be updated in the summer before determination.
 - Attachment of the following conditions:
 - A construction management plan to protect remaining sand dune grass and is required as a result of the loss of a fifth of the sand dune grassland
 - Detailed method statement is required for translocation
 - Ecological measures in PEA 9.5 must be carried out under the supervision of an ecologist and monitored for 5 years by way of condition
 - Off site compensation for loss of 100sqm of habitat in accordance with PEA 9.6
 - Educational pack required to advise future residents that the grassland is full of wild flowers and not weeds.
- 3.9.6 In response to the comments from Wirral Wildlife to provide an updated ecological assessment, the applicant provided Dusk Survey Results in July 2021. The conclusions of the survey where that the emergence of bats was absent at 46 Hoyle Road and activity was sporadic at the site with foraging activity by one Common Pipistrelle (*Pipistrellus pipistrellus*) bat at a time.
- 3.9.7 MEAS also confirmed that the building was categorised as having low suitability for roosting bats. Bat boxes and a lighting scheme, however, are advised by condition.
- 3.9.8 Regarding the impact on the dunes, it is advised that a monetary sum of £1,500 is secured to compensate for a net loss of 108m² dune grassland and for the improvement of biodiversity on designated sites within the borough, notably dune grassland. This is to be secured by the Section 106.
- 3.9.9 MEAS advise that built features and vegetation on site may provide nesting opportunities for breeding birds, which are protected and UDP policy NC7. Any dense vegetation (trees, shrubs, and hedgerow) to be removed would therefore have to be conducted outside of the bird nesting season (of March to September inclusive) or immediately after a suitably qualified ecologist has confirmed the absence of any nests. A condition requiring details of bird nesting boxes (e.g.. number, type and location on an appropriately scaled plan) to be erected on the site is therefore required.
- 3.9.10 The habitats on site were deemed suitable for hedgehogs which are a Priority Species. The following reasonable avoidance measures within a Construction Environmental Management Plan are therefore advised to ensure that there are no adverse effects on them:
- A pre-commencement check for hedgehogs;
 - All trenches and excavations should have a means of escape (e.g. a ramp);
 - Any exposed open pipe systems should be capped to prevent mammals gaining access; and
 - Appropriate storage of materials to ensure that mammals do not use them.
- 3.9.11 The advised CEMP must also ensure that corms/root systems and cuttings are disposed of at a licenced waste management facility to protect two invasive species identified on the site.
- 3.9.12 Following the submission of the Dusk Survey Results and with sight of MEAS and Wirral Wildlife's comments, Natural England subsequently advised that they had no objection to the proposals subject to appropriate mitigation being secured, which includes:
- A detailed construction environmental management plan (CEMP) including how certain activities will be limited in time, location or disturbance levels to minimise the risk of impacts to SPA birds. Inclusive of visual and noise disturbance mitigation measures, and measures to prevent the pollution of adjacent habitat.

- Provision of an awareness raising information leaflet in householder information packs for residents promoting the use of suitable alternative natural greenspace and highlighting the sensitivity of national and international sites
- 3.9.13 In conclusion it is deemed that there will be no significant adverse effects arising from the proposed scheme on the conservation objectives or the qualifying features of the designated sites. Subject to the attachment of conditions, the proposed development would accord with NPPF paragraphs 180, 181 and 182 and UDP Policy NC7.
- 3.10 Trees
- 3.10.1 An Arboricultural Impact Assessment (AIA) has been prepared by Tree Solutions which assesses the development proposal in relation to trees and is summarised below.
- 3.10.2 BS 5837: 2012 contains clear and current recommendations for a best practice approach to the assessment, retention, and protection of trees on development sites. The proposed development has followed this guidance by:
- Seeking arboricultural advice and undertaking a stage 1 preliminary tree survey in order to inform the layout and design of the proposed development;
 - Respecting the constraints posed to development of the site by high or moderate quality trees;
 - Acting upon arboricultural advice throughout the design process in order to obtain the best development proposal whilst considering the current and future tree requirements;
 - Securing that no trees of any significant merit are to be removed. Loss will be mitigated by the proposed new native hedgerow around the boundary.
- 3.10.3 The site comprises 5x Sycamore and 2x Poplar trees, which are all Category C trees (low quality with an estimated remaining life expectancy of at least 10 years, or with a stem with a stem diameter below 150 mm). The proposals include the removal of these trees and the planting of replacement trees. The provision for one for one replanting of replacement of the trees will be secured by condition
- 3.10.4 Overall, the development makes appropriate and satisfactory provision to prevent a qualitative and quantitative loss of trees on the site in accordance with Policy GR7 of the UDP.
- 3.11 Waste and recycling
- 3.11.1 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.
- 3.11.2 The waste bin and recycled goods storage area is proposed within the curtilage and this is considered appropriate and provides easy access for servicing to be accommodated from Meols Parade without causing any significant obstruction to through travelling traffic.
- 3.11.3 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

3.12 Construction methodology

- 3.12.1 The Merseyside and Halton Joint Waste Local Plan 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.
- 3.12.2 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:-

Subject to the attachment of a S106 obligation for the following:

- £2,500 contribution for Off-Site Highway Works
- £1,500 contribution for biodiversity credits for offsite compensation works relating to dune grassland

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 Subject to a 106 Agreement**

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 14/05/2021 and 30/11/2021 (unless otherwise stated) and listed as follows:

Design and Access Statement: Blueoak
Preliminary Ecological Appraisal: Tyrer Ecological Consultants Limited
Desk Survey Results (Bats): Tyrer Ecological Consultants Limited
Habitats Regulations Assessment: Tyrer Ecological Consultants Limited
Arboricultural Impact Assessment: Tree Solutions

20-HOYLE-LOC-01
8677/01
20-HOYLE-PL-01 Rev A
20-HOYLE-PL-02 Rev A
20-HOYLE-PL-03 Rev B
20-HOYLE-PL-04 Rev B
20-HOYLE-PL-05 Rev A
20-HOYLE-PL-06
20-HOYLE-PL-07 Rev B
20-HOYLE-PL-08 Rev A
20-HOYLE-PL-101
20-HOYLE-PL-102
LDS491-01
LDS491-LS

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 (including replacement trees and boundary treatment) hereby approved has been implemented on site. The landscaping provisions shall be completed in full and 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.

6. 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.

7. 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 hedgehogs.
- 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 hedgehog should fall in.
 - vi. All building materials being stored so that hedgehogs 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. Any obvious hedgehog paths to be left clear of obstruction.
 - viii. All the property boundaries allow for the free movement of wildlife both during & after construction.
 - ix. Protective fencing being erected surrounding the construction site during the building work to prevent badgers from entering the site
- d) A precautionary working method statement requiring removal of invasive species and excavation by hand tools. Corms/root systems and cuttings to be disposed of at a licenced waste management facility.
 - 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
 - J) 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)

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 and highway safety is safeguarded

8. The development hereby permitted shall not be occupied until details of bat 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.

Reason: In the interest of biodiversity.

9. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and does not result in excessive light spill onto the habitats in line shall

be submitted for approval and implemented in accordance with those details.

Further guidance is available at the Bat Conservation Trust website
<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

10. 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.

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

11. Prior to the occupation of the development hereby approved the series of enhancements listed within PEA (section 9) installation of bat and bird boxes, insect hotels and a green roof on bin/bike store shall be completed.

Reason: In the interest of potential long-term net gain for biodiversity at the site.

12. The tree works methodology hereby approved and set out in Tree Protection Plan in accordance with the Arboricultural Impact Assessment (AIA) 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

13. Prior to occupation of the development hereby approved, provision of an awareness raising information leaflet in householder information packs for residents promoting the use of suitable alternative natural greenspace and highlighting the sensitivity of national and international sites shall be provided in accordance with the requirements of Natural England.

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

14. The side window(s) on plan PL/03 Rev B and PL/03 Rev B marked as obscure glazed and shall not be glazed otherwise than with obscured glassed. The window shall be fixed shut above 1.7m high and thereafter be permanently retained as such.

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

15. Prior to first occupation of the development hereby approved arrangements for the car and cycle parking, shall be made within the approved residential curtilage and be retained in situ in perpetuity.

Reason: In the interest of highway and sustainable modes of transport.

Further Notes for Committee:

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

- 2.

- 3.

Last Comments By: 05/07/2021 15:43:01
Expiry Date: 30/06/2021

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Planning Committee

Reference:
APP/21/01371

Area Team:
**Development
Management Team**

Case Officer:
Mr J Browne

Ward:
**West Kirby and
Thurstaston**

Location: 11 CALDY ROAD, WEST KIRBY, CH48 2HE
Proposal: Demolition of the existing dwelling and outbuildings and the erection of a detached building containing 6 apartments with associated access, parking and landscaping.

Applicant: Blueoak Estates Ltd
Agent :

Qualifying Petition: Yes, Number of Signatures: 37

Site Plan:



Development Plan designation:

Primarily Residential Area

Planning History:

N/A

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 An objection was received from Cllr Jenny Johnson which can be summarised as follows:

- Canyoning effect (sense of enclosure and oppression)
- Impact on neighbours living conditions
- Cumulative development impact on highways
- Request for a sunlight and daylight report
- Health and safety risks due to proximity to Avalon School

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 nineteen neighbouring addresses on 05 August 2021. The deadline for receipt of representations passed on 30 August 2021.

REPRESENTATIONS

A 37 signature petition and 20 letters of objection were received and the points made are summarised as follows:

- Direct loss of sunlight and daylight;
- Developers prioritising profits;
- Excessive depth;
- Overlooking of neighbouring garden;
- Proposed study does not have outlook;
- Continuous construction and development works for residents;
- Traffic and congestion concerns;
- Loss of family units;
- Developers are redeveloping several properties locally;
- Impact on school catchment areas;
- Impact on Local services e.g. , Doctors and dentists don't have capacity;
- Increased parking on site;
- Loss of privacy;
- Removal of trees;
- Low dense area;
- Ridge height is out of keeping;
- Impact on climate change
- Loss of greenery;
- Impact on neighbouring conservation area;
- Noise and disturbance;
- Loss of front garden;
- Impact on Bats;
- Transport Assessment is required;
- Overshadowing;
- Out of character development;
- Excessive on-site car parking;
- Impact on pedestrian movement and mobility; and
- Bins will block the pavement

CONSULTATIONS

Highways – No objection. Informative advised.

Traffic & Transportation – No objection, no condition required. Informative advised for works to highway.

Environmental Protection – No objection

MEAS – No objection subject to safeguarding conditions

3.1 Site and Surroundings

- 3.1.1 The application site is 0.265 acres, occupied by a detached bungalow. To the north, east and south, the site is bound by residential properties and gardens. The adjacent properties at no. 9 and no. 13 comprise a bungalow and a two-storey dwelling respectively. The adjacent properties are both set off the shared boundary and have no facing habitable side windows.
- 3.1.2 The site is bound to the south-west by Caldly Road, which comprises a new Mews development and Caldly Court. The remainder of the surrounding area is generally

characterised by large residential buildings in generous plots with front drives and hardstanding.

- 3.1.3 The site falls within a designated Primary Residential Area as set out in the Wirral Unitary Development Plan 2000

3.2 Proposed Development

- 3.2.1 The proposal seeks planning permission for the demolition of the existing dwelling and replacement with a part 2 storey, part 3 storey, 6 apartment building set within landscaped gardens.
- 3.2.2 The proposed building is designed to be broadly in keeping with the flatted development approved at no. 7 Caldy Road (LPA ref: APP/19/01918) in relation to design, form and scale. The primary difference between the proposals is that the depth of the principal side elevations of the proposed development above ground floor level at no 11 have been reduced by 2.7m from 20.4m to 17.7 above ground floor level.
- 3.2.3 The proposed building is designed to read as a large single dwelling and is set back from Caldy Road by circa 23.5m. The proposals would be 5.7m (northern gable) / 7.05m (southern gable & main roof) high from ground to eaves and 9.5m (northern gable) / 10.85m (southern gable & main roof) high from the ground to the ridge. With consideration of existing changes in level, the proposed ridge height of the proposals would be 0.2m higher than the ridge height of the adjacent existing two storey dwelling at No 13 Caldy Rd. As such, the proposed height would be in keeping with the adjacent semi-detached pair when viewed from Caldy Road.
- 3.2.4 The site slopes from the back to the front as well. This results in a significant change in level between the development site and the properties to the rear off Kirby Park Road. The proposed ridge height of the proposals is therefore 2.32m lower than the ridge height of the neighbouring properties to the rear when considering the changes in level.
- 3.2.5 The proposals include a new widened 4.5m wide access off Caldy Road to serve 6 off-street car parking spaces, cycle storage, bin store and associated landscaping.
- 3.2.6 The proposal would be constructed in the following materials:
- Weinerberger Olde Cheshire Red Brick;
 - Ibstock Ravenhead Smooth Red Brick detailing;
 - White render;
 - Tuscan roof tiles;
 - Grey aluminium windows; and
 - Grey aluminium dormers

3.3 Development Plan

- 3.3.1 The Wirral Unitary Development Plan 2000

HS4 Criteria for New Housing Development

GR5 Landscaping and New Development

GR7 Trees and New Development

TR9 Requirements for off Street Parking

NC2 Sites of International Importance for Nature Conservation

NC3 The Protection of Sites of National Importance for Nature Conservation

NC7 Species Protection Hoylake Neighbourhood Development Plan

Wirral SPDs

Supplementary Planning Guidance 4: Parking Standards

Supplementary Planning Document: Designing for Self-Contained Flat Development and Conversions

Other Material Planning Considerations

The Joint Waste Local Plan for Merseyside and Halton

WM8 Waste Prevention and Resource Management

WM9 Sustainable Waste Management Design and Layout for New Development

The National Planning Policy Framework (2021)

- Achieving sustainable development
- Decision-making
- Achieving well-designed places

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 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.
- 3.5.4 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.
- 3.5.5 The proposed residential development in a residential area is therefore considered acceptable in land use terms in accordance with UDP Policy HS4 and the NPPF.
- 3.6 Design / Impact on the character of the area:
- 3.6.1 NPPF paragraphs 126 - 136 provides 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 and 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 standards for new residential development are set out under Policy HS4 of the Wirral Unitary Development Plan 2000. Proposals should be of a scale with regard to existing densities and form of development and not result in detrimental changes in the character of the area. Appropriate landscaping and boundary treatment which relates the proposed development to its surroundings should be incorporated into development proposals.
- 3.6.3 The Supplementary Planning Document on Designing for Self-Contained Flat Development and Conversions states that applicants will be expected to show how good design and layout has been taken into account through drawings and design statements that show how the proposed development will fit in with surrounding properties and within the wider setting of the area. Poor design or development that fails to take the opportunities available for improving the character and quality of the area are unlikely to be approved.
- 3.6.4 The surrounding area is characterised predominantly by residential properties. The buildings in the area are of varying designs and form as well as having a mix of materials.
- 3.6.5 Policy GR5 of the UDP states that in order to secure the protection and enhancement of visual amenity, the Local Planning Authority will require applicants to submit full landscaping proposals before full planning permission is granted.
- 3.6.6 The communal soft landscaped area equates to 40% of the site, exceeding the requirements of SPD2 – Designing for Self-Contained Flat Development and Conversions. This is in addition to private outdoor amenity space provided in the form of balconies and patios. The proposed landscaping provisions ensure that the development accords with the green and leafy character of the area.
- 3.6.7 The objections raised by third parties regarding the design, massing and density of the proposals and its potential to impact the character of the area have been duly considered in the assessment of these proposals. However, as the proposals is of a similar design,

depth and appearance to that approved at no. 7 and it is only 0.2m higher than the ridge height of no. 13, it is considered that the development proposals would be acceptable in relation to their form, scale, massing and overall design.

3.6.8 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 street scene and the wider local area.

3.7 Highways:

3.7.1 The following UDP policies have been 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;
and
- UDP Policy TR12 (Requirements for Cycle Parking)

3.7.2 Wirral SPD4 Parking Standards is also a material consideration in the assessment of the proposals.

3.7.3 The site is located off the adopted highway and within a private boundary. The level of in-curtilage car parking allows for each apartment has 2 parking spaces in accordance with the SPD4 standards. The tandem arrangement of the parking spaces is also acceptable in this instance, as the two spaces are for one apartment and can therefore be suitable managed.

3.7.4 The proposed ground floor level cycle storage accords with TR12 requirements of one cycle parking space per apartment.

3.7.5 There is satisfactory turning provision within the car park so vehicles are able to enter and leave in a forward gear.

3.7.6 The proposed widening of the existing vehicle access to 4.5m allows for two vehicles to pass one another and the access affords appropriate visibility. Traffic and Transportation have raised no objection to the proposals but did recommend that the proposed rumble strip be removed from the entrance as traffic travelling over this could cause an annoyance to neighbours. The rumble strip has subsequently been omitted from the proposals.

3.7.7 The objections raised by third parties regarding highway safety, congestion, parking design and construction have been duly considered in the assessment of these proposals. A request for a transport assessment was also made by objectors.

3.7.8 The Highways officer has confirmed that a low number of apartments (6) does not require a transport assessment or any network modelling or capacity assessments.

3.7.9 The usual requirement for any additional network modelling is when a development produces 30 or more trips in any given hour.

3.7.10 The traffic generation from the proposed development is anticipated to be low level.

3.7.11 The below table sets out the vehicle trip rates that a 6 apartment development could be expected to generate in the AM and PM peak periods when the network is most trafficked

	Arrival	Departure	Total
07:00 - 08:00	1	2	3
17:00 - 18:00	1	2	3

3.7.12 Highways advise that although there are 12 parking spaces (12 vehicles) regularly associated with the development it is very unlikely that all 12 cars will leave and arrive at the same time. Their arrival and departure patterns would be at various times due to the location where they are going to, at what time they need to leave, when they start their working day. The above is only an indication of the expected trips, but on this basis, it is concluded that there would be no highway impact from the development and any additional traffic generation could be expected within the normal daily fluctuations of traffic within the network. Highways also advised that the combination of the proposed on-site car parking and on street car parking provisions would be sufficient for visitor parking.

3.7.13 As such, there would be no requirement for the development to provide further capacity assessment of the network or any junction analysis.

3.7.14 It is considered that the development proposals would have a minimal impact on the surrounding area in highway terms and therefore remain acceptable.

3.8 Residential Amenity

3.8.1 The Designing for Self-Contained Flats and Conversions SPD states development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property. Unless it can be demonstrated that privacy would not be unduly affected, habitable room windows directly facing each other should be at least 21 metres apart

3.8.2 The proposed development is set back from Clady Road by 23m and over 31m away from the facing properties to the rear. The proposed development would therefore not have any impact on the facing properties to the front (south west) and to the rear (north east).

3.8.3 The objections raised by third parties (including the adjacent properties of no. 9 and 13) regarding impacts on their living conditions regarding sunlight and daylight, loss of privacy, views and outlook have also been duly considered. A series of amendments were consequently sought and secured, which included the removal of all habitable windows from the side elevations and the introduction of obscure glazing to non-habitable rooms to preserve privacy of the adjacent properties and remove any opportunity for overlooking.

3.8.4 Concerns were also raised by neighbours in relation to the loss of sunlight and daylight to neighbouring habitable rooms, creation of a canyoning effect to no. 9 and what is described as the oppressive nature of the development when viewed from the rear garden of no. 13, which benefits from a smaller rear garden than the adjacent properties along Caldly Road

3.8.5 In response, further amendments were secured, which reduced the depth of either side of the rear elevation of the proposals by 2.7m at both first floor and second floor level.

3.8.6 The revised proposals by reason of:

- their reduced scale at second and third level;
- overall form and massing;
- separation distance from facing neighbouring to the rear (over 21m);
- compliance with the 45-degree rule from the rear windows of no. 13;
- separate distance from no. 9's rear windows at an oblique angle; and
- the substantial changes in level;

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 to sunlight and daylight, outlook and privacy.

3.8.7 The revised proposals safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.

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 A Preliminary Ecological Appraisal Report has been prepared by Tyrer Ecological Consultants Limited (June 2021) to support the planning application.

3.9.3 MEAS has advised that the surveys and report are acceptable.

3.9.4 The development site is close to the following designated sites and UDP policies NC2, NC3 and NC6 apply:

- Dee Estuary SSSI (438m east);
- Dee Estuary Ramsar Site (438m east);
- Dee Estuary SAC (438m east);
- Dee Estuary SPA (438m east);
- Holm Hill LWS (250m north-east);
- Caldy Hill LWS (280m south-east); and
- Wirral Way LWS (470m south-west).

3.9.5 MEAS has advised that the development is unlikely to harm the features for which the sites have been designated, as the proposals are relatively small scale and are bordered on all sides by residential properties and roads, with limited connectivity to any of the designated sites listed above. No financial contribution to off set impacts on habitat was deemed necessary either.

3.9.6 The proposals will result in the replacement of a single residential dwelling with 6 new dwellings, a net increase of 5. It is considered unlikely that 5 additional units would result in a significant increase in recreational pressure at the European designated sites at the coast. The most accessible part of the coast is also at West Kirby marine lake, which is well adapted for public access and already subject to significant recreational disturbance.

3.9.7 The bat survey report states that no evidence of bat use or presence was found on site. The garage building on site does have moderate suitability for roosting bats and this habitat will be lost to facilitate development. To compensate for this loss, it is advised that details of bat boxes (e.g.. number, type and location on an appropriately scaled plan) to be erected on the site will be secured by condition.

3.9.8 Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the important areas in line with NPPF (paragraph 180). This is proposed to be secured by condition.

3.9.9 The habitats on site are suitable for hedgehogs which are a Priority Species and UDP policy NC7 applies. The following reasonable avoidance measures will be secured within a Construction Environmental Management Plan (CEMP) by condition to ensure that there are no adverse effects on them:

- A pre-commencement check for hedgehogs;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and

- Appropriate storage of materials to ensure that mammals do not use them.
- 3.9.10 Built features and vegetation on site may provide nesting opportunities for breeding birds, which are protected and UDP policy NC7 applies. A condition is recommended regarding tree felling. Shrub clearance and vegetation management will be dealt with by condition.
- 3.9.11 Three-cornered leek and Himalayan Cotoneaster are present within the site boundary. These species are listed on Schedule 9 of the Wildlife and Countryside Act / Schedule 2 of the Invasive Alien Species (Enforcement and Permitting) Order 2019 and national Planning Policy Guidance applies.
- 3.9.12 A method statement by a competent person is required by condition, which includes the following information:
- A plan showing the extent of the plants;
 - The methods that will be used to prevent the plant/s spreading further, including demarcation;
 - The methods of control that will be used, including details of post-control monitoring; and
 - How the plants will be disposed of after treatment/removal.
- 3.9.13 In conclusion it is deemed that there will be no significant adverse effects arising from the proposed scheme on the conservation objectives or the qualifying features of the designated sites. Subject to the attachment of conditions, the proposed development would accord with NPPF paragraphs 180, 181 and 182 and UDP Policy NC7.
- 3.10 Trees
- 3.10.1 An Arboricultural Impact Assessment has been prepared by Tree Solutions which assesses the development proposal in relation to trees and is summarised below.
- 3.10.2 BS 5837: 2012 contains clear and current recommendations for a best practice approach to the assessment, retention, and protection of trees on development sites. The proposed development has followed this guidance by:
- Seeking arboricultural advice and undertaking a stage 1 preliminary tree survey in order to inform the layout and design of the proposed development;
 - Respecting the constraints posed to development of the site by high or moderate quality trees; and
 - Acting upon arboricultural advice throughout the design process in order to obtain the best development proposal whilst considering the current and future tree requirements;
- 3.10.3 The existing trees on site include a Beech tree (Category B tree) and 7 Category C trees in accordance. All trees on the site are to be removed as part of the development proposals.
- 3.10.4 A replacement tree condition is therefore required to ensure that there is no net loss of trees on the site in accordance with Wirral's Tree, Hedgerow and Woodland Strategy 2020 – 2030.
- 3.10.5 Subject to the safeguarding tree replacement condition, it is considered that the development would accord with Policy GR7 of the UDP.
- 3.11 Waste and recycling
- 3.11.1 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.

3.11.2 The bin storage and recycled goods area is considered appropriate and allows for kerbside collection, the bins being stored adjacent to the entrance and within the private boundary to the development.

3.11.3 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 and the National Planning Policy for Waste (paragraph 8), which set out measures as part of design strategies for waste collection and recycling.

3.12 Construction methodology

3.12.1 The Merseyside and Halton Joint Waste Local Plan 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.

3.12.2 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 30/11/2021 (unless otherwise stated) and listed as follows:

Design and Access Statement: PAD
Preliminary Ecological Appraisal: Tyrer Ecological Consultants Limited
Desk Survey Results (Bats): Tyrer Ecological Consultants Limited
Arboricultural Impact Assessment: Tree Solutions

21-11CALD-LOC-01
8788/01
21-11CALD-PL-01 Rev B
21-11CALD-PL-02 Rev B
21-11CALD-PL-03 Rev B
21-11CALD-PL-04 Rev B
21-11 CALD-PL-05 Rev B
21-11CALD-PL-06
21-11CALD-PL-07
21-11CALD-PL-08
21-11CALD-PL-09

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 21-11CALD-PL-04 Rev A 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. 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 hedgehogs.
 - 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 hedgehog should fall in.
 - vi. All building materials being stored so that hedgehogs 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. Any obvious hedgehog paths to be left clear of obstruction.
 - viii. All the property boundaries allow for the free movement of wildlife both during & after construction.
 - ix. Protective fencing being erected surrounding the construction site during the building work to prevent badgers from entering the site
 - d) A precautionary working method statement requiring removal of invasive species and excavation by hand tools. Corms/root systems and cuttings to be disposed of at a licenced waste management facility.
 - 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
 - J) 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)

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 and highway safety is safeguarded.

8. The development hereby permitted shall not be occupied until details of bat 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.

Reason: In the interest of biodiversity.

9. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and does not result in excessive light spill onto the habitats in line shall be submitted for approval and implemented in accordance with those details.

Further guidance is available at the Bat Conservation Trust website
<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

10. 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.

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

11. 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

12. The tree works methodology hereby approved and set out in Tree Protection Plan in accordance with the Arboricultural Impact Assessment (AIA) 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

13. No development hereby approved shall take place (including ground works and vegetation clearance) until a method statement, prepared by a competent person, has been submitted to and approved in writing by the local planning authority. The Method Statement shall include, but not limited to the following:

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

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

14. Prior to occupation of the development hereby approved, all side windows shall be obscured glazed and remain as such permanently thereafter.

Reason: In the interest of residential amenity

15. Prior to the commencement of development, a tree survey confirming the existing tree canopy coverage on site shall be submitted to the Local Planning Authority, which demonstrates no net loss of tree canopy cover across the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The replacement Tree Strategy must be adhered to and implemented in full prior to first occupation of the final plot of the development to be delivered.

Any trees which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation".

Reason: To ensure that the development does not result in a loss of tree canopy cover having regards to the NPPF and the Wirral Tree, Hedgerow and Woodland Strategy

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details.
2. A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement and the provision of temporary access if required at the developers expense, to the LA specifications and written approval. For further details contact Highway Management, area manager via www.wirral.gov.uk

Last Comments By: 10/12/2021 09:06:08

Expiry Date: 17/08/2021

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