



## Planning Committee

<b>Date:</b>	Thursday, 21 April 2022
<b>Time:</b>	6.00 p.m.
<b>Venue:</b>	Floral Pavilion

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## AGENDA

**Please note:**

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If you are addressing the Committee as an applicant, agent or objector, it is likely that you will be filmed.

If you have any queries regarding this, please contact Committee Services on 691 8492.

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

To approve the accuracy of the minutes of the meeting held on 17 March 2022.

**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/21/00070: HOLLINS HEY HOTEL, 191 VICTORIA ROAD, NEW BRIGHTON, CH45 0JY PROPOSAL: PROPOSED DEMOLITION OF THE EXISTING HOLLINS HEY HOTEL AND ERECTION OF 14 NEW BUILD APARTMENTS (Pages 7 - 26)**
4. **APP/21/01428: 22 FARR HALL DRIVE, HESWALL, CH60 4SH PROPOSAL: DEMOLITION OF THE EXISTING DWELLING AND REPLACEMENT WITH UP TO 6 APARTMENTS TOGETHER WITH ASSOCIATED LANDSCAPING, PARKING AND ACCESS WORKS. (Pages 27 - 44)**
5. **APP/21/01733: 14 PRIORY ROAD, WEST KIRBY, CH48 7EU PROPOSAL: DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF A REPLACEMENT DWELLING. (Pages 45 - 52)**
6. **APP/21/01952: 22 EDGEHILL ROAD, MORETON, CH46 6AN PROPOSAL: ERECTION OF ATTACHED DWELLING HOUSE. (Pages 53 - 58)**

**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.



## PLANNING COMMITTEE

Thursday, 17 March 2022

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

### 50 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 10 February 2022 for approval.

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

**Resolved – That the minutes of the meeting held on 10 February 2022 be approved.**

### 51 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.

### 52 OUT/20/00967: WITCH WOOD, MERE LANE, HESWALL, CH60 6RR, OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE DEMOLITION OF THE EXISTING DWELLING AND THE ERECTION OF A DETACHED BUILDING CONTAINING 7 SELF-CONTAINED APARTMENTS WITH A DETACHED BIN/CYCLE STORE AND ON-SITE CAR PARKING.

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

The Ward Councillor L Rowlands addressed the Committee.

E Tranfield, the applicant addressed the Committee.

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

**Resolved unanimously – that the application be approved subject to the following conditions.**

**1. The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended).**

**2. No development shall commence on site until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development**
- (d) The landscaping of the site; and**
- (e) The means of access**

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

**3. Any subsequent application for reserved matters shall be accompanied by full details of the finished site and ground floor levels intended at the completion of the development, in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.**

**4. Details of materials for all external work including samples, shall be submitted to and approved by the Local Planning Authority before any construction takes place above ground level**

**5. No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.**

**6. The detailed landscaping plans submitted as reserved matters shall include:**

**(i) details of boundary treatments and hard surfaces**

**(ii) the location, size and species of all trees to be planted**

**(iii) the location, size, species and density of all shrub and ground cover planting**

**(iv) a schedule of implementation**

**7. The approved landscaping shall be completed before the development approved is occupied. Within 5 years of the implementation of the approved landscaping scheme, any plants or trees which die or become diseased shall be replaced with an equivalent plant or tree.**

**8. Construction of the development authorised by this permission shall not begin until the LPA has approved in writing a full scheme of works for the**

construction of the new vehicle access from the highway and any amendments to the existing highway made necessary by this development, including details of the temporary vehicle crossing access, the new permanent vehicle access in accordance with the LPA crossing specifications and amendments to the footway to Mere Lane. The approved works shall be completed in accordance with the LPA's written approval and prior to occupation of the development.

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

10. Any subsequent application for reserved matters shall include details of secure covered cycle parking. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

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

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

13. 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.

14. 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.

15. 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.

16. A method statement for the protection of terrestrial mammals and amphibians during the construction period shall be submitted to and agreed with the Local Planning Authority before any development commences. This shall include, but not be limited to:

- A pre-commencement check for terrestrial mammals;
- 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;
- Appropriate storage of materials to ensure that mammals do not use them. • Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians present to move away from the affected areas;
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
- Any open excavations (e.g. foundations / footings / service trenches etc.) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil (or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians. The construction of the development hereby approved shall be carried out in accordance with the approved details.

17. A licensed bat ecologist is required to directly supervise the removal of the timber boards at the gable ends; and the removal of any existing lifted tiles from the roof of the building (referred to as buildings 1 and 2 in the ecology report: ETIVE ECOLOGY Ltd. September 2018. Witchwood, Mere Lane, Heswall. Proposed Re-development of residential site Ecology Report).

18. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started, or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

19. Before the development is commenced, a method statement detailing measures to be taken during construction to protect the health of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved method statement shall be implemented in full throughout the construction phase. Reason: To prevent damage to trees in the interests of the visual amenity of the area and to comply with Policy GR7 of the Wirral Unitary Development Plan.

53      **OUT/21/01516: BIRKENHEAD SCHOOL, NOCTORUM FIELD, NOCTORUM ROAD, NOCTORUM, CH43 9UQ. THE DEMOLITION OF THE EXISTING PAVILION AND ERECTION OF UP TO 33 DWELLINGS AND ASSOCIATED INFRASTRUCTURE. ALL MATTERS ARE RESERVED WITH THE EXCEPTION OF ACCESS.**

The Principal Planner presented the report of the Director of Regeneration and Place in relation to the above application. The Principal Planner explained that the applicant had submitted an appeal to the Planning Inspectorate on the grounds of non-determination of the application. The report listed an



assessment to enable the Committee to establish the decision that would have been made had it determined the application. This would enable Council officers to establish the stance that should be taken by the Council in terms of contesting the appeal.

M Gilbert the Lead Petitioner for a petition in opposition to the application addressed the Committee.

B Elkerton and S Williams on behalf of the petitioners in support of the application addressed the Committee.

The Ward Councillor G Wood addressed the Committee.

M Turner, a representative for the applicant addressed the Committee.

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

**Resolved unanimously – that**

- (1) The application would have been refused on the following grounds: -**
  - (i) The playing pitches are not surplus to requirement and the proposed mitigation package is inadequate to compensate for the loss of the existing Noctorum Playing Field. This loss will not be replaced by equivalent or better provision in terms of quantity and quality, and the proposal is therefore contrary to Wirral Unitary Development Plan Policy RE6, National Planning Policy Framework Paragraph 99 and Sport England’s playing fields policy.**
  - (ii) The loss of this previously undeveloped site for a residential development, particularly one that has a higher density than the prevailing character of the area, would have a clear adverse impact on the character of this area and therefore conflicts with Wirral Unitary Development Plan Policy HS4 and HS5 and the National Planning Policy Framework, in particular Paragraph 124.**
  - (iii) Insufficient evidence has been provided to demonstrate that this development cannot meet the 20% affordable housing requirement on site, and the proposal is therefore contrary to Wirral Unitary Development Plan Policy HSG2 and HS6 and the National Planning Policy Framework**
  - (iv) The proposal is considered to constitute unsustainable development due to the site being located a substantial distance from local services and the lack of a dedicated pedestrian footpath for substantial parts of the surrounding road network. This will result in significant highway safety concerns and will dissuade future occupiers of the site to consider alternative, sustainable transport modes. The proposed development is therefore considered to be contrary to the Wirral Unitary**

**Development Plan, in particular Policy TR9 and TRT1, and the National Planning Policy Framework, in particular Paragraphs 110 and 112**

- (v) Insufficient evidence has been provided to demonstrate that the private land drain to which the proposed drainage system proposes to outfall will retain connectivity for the lifetime of the development and without a functioning outfall the minimum operational standards cannot be met. The proposal is therefore contrary to Paragraph 169 of the National Planning Policy Framework.**
  
- (2) Authority be given to the Director of Regeneration of Place to amend the reasons for contesting the appeal to reflect any changes in planning policy or material considerations as the case progresses.**

**Planning Committee**

**21 April 2022**

**Reference:**  
**APP/21/00070**

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

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

**Ward:**  
**New Brighton**

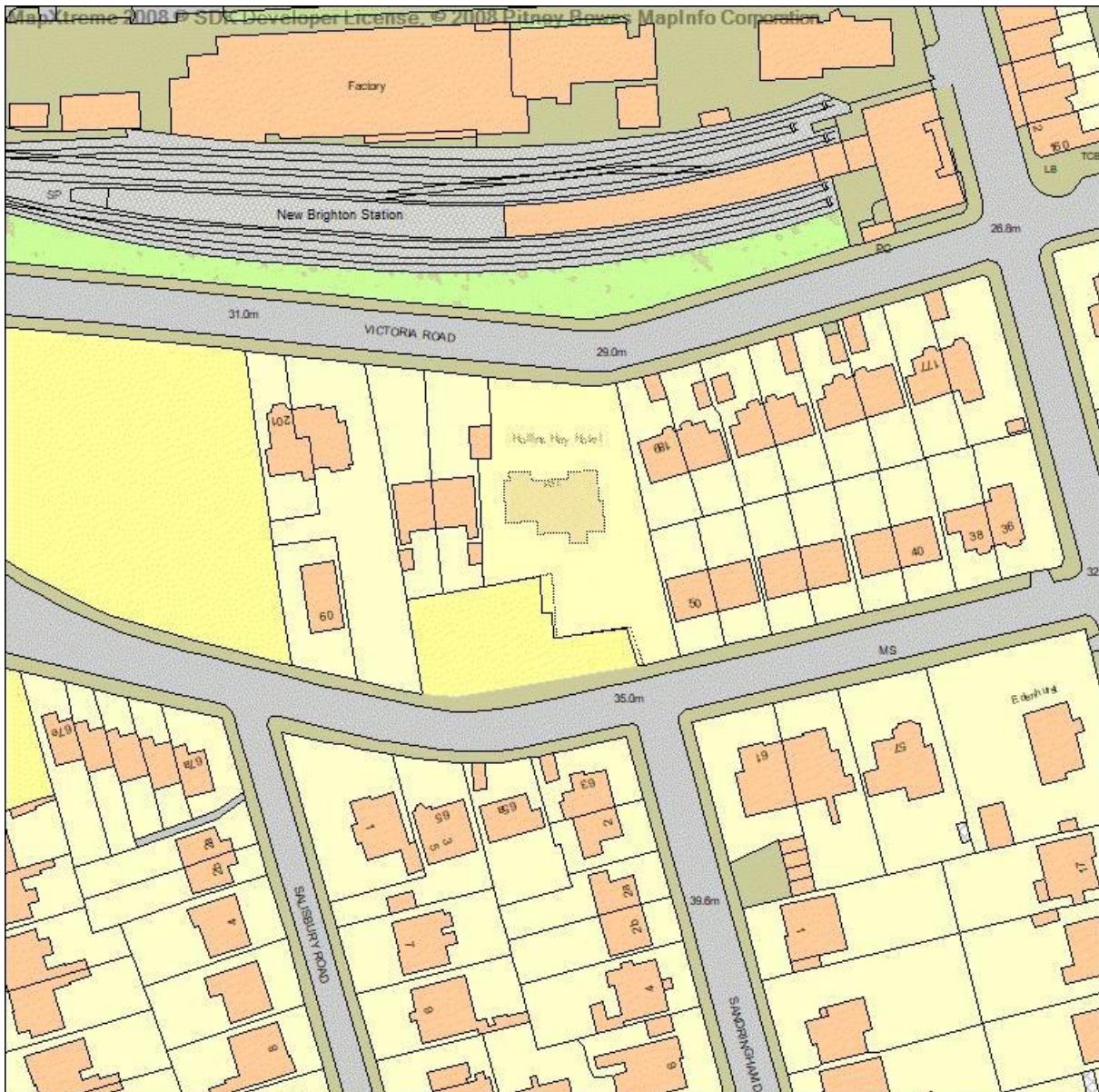
**Location:** Hollins Hey Hotel, 191 VICTORIA ROAD, NEW BRIGHTON, CH45 0JY

**Proposal:** PROPOSED DEMOLITION OF THE EXISTING HOLLINS HEY HOTEL AND ERECTION OF 14 NEW BUILD APARTMENTS (Public consultation following plans and supporting information received December 2021)

**Applicant:** Mr D Bowden  
**Agent :** Andrew Smith Architects LTD

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Hollins Hey Hotel, 191 VICTORIA ROAD, NEW BRIGHTON, CH45 0JY  
Application Type: Full Planning Permission  
Proposal: Demolition of existing hotel and replacement with 14 no. apartments and associated car parking

Application No: APP/17/01387  
Decision Date: 23/05/2018  
Decision Type: Refuse

Location: Hollins Hey Hotel, 191 VICTORIA ROAD, NEW BRIGHTON, CH45 0JY  
Application Type: Full Planning Permission  
Proposal: Proposed demolition of existing hotel and replacement with 14 no. apartments and associated car parking

Application No: APP/18/01443  
Decision Date: 01/05/2019  
Decision Type: Refuse

**Appeal Details**

Application No	APP/18/01443
Appeal Decision	Dismissed
Appeal Decision Date	30/01/2020

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

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS**

2.1 Having regard to the Council's guidance on publicity for planning applications, statutory public consultation on this scheme took place between 25 January 2022 and 2 March 2022 by way of direct neighbour notification to 136 nearby addresses, site notices posted to Victoria Road and Albion Street, and press advertisement. An earlier period of direct neighbour consultation on an incomplete set of application documents took place between 22 September and 17 October 2021 and the replies received to this earlier consultation have been considered and included within the overall totals.

**REPRESENTATIONS**

Over the two consultation periods a total of 59 individual representations have been received of 33 are in objection and 24 are in support with two general comments neither in support or objection. The material planning considerations raised can be summarised as follows:

**OBJECTIONS**

1. The scheme would result in the loss of a characterful historic building which should be converted for a new use rather than demolished;
2. The proposed development is generic in appearance and does not respond to local character and history;

3. The development does not include any affordable housing;
4. The proposed scheme would be overbearing and overshadowing to neighbouring properties;
5. The scheme does not provide a sufficient number of car parking spaces. This would lead to overspill parking on Albion Street to the detriment of highway safety and existing residents;
6. The surrounding area has insufficient infrastructure to support additional apartments;
7. Noise and disturbance arising from demolition and construction would be harmful to the amenity of neighbouring householders;
8. Noise and disturbance arising from vehicles manoeuvring within the car parking area will be detrimental to the amenity of neighbouring householders;
9. Wildlife will be harmed through the loss of trees and bat habitat;
10. Demolition rather than the conversion and retrofitting is out of step with the Council's climate emergency declaration;
11. There is a lack of clarity on the provision to be made for bicycle and refuse storage; and
12. The reasons for dismissal of the earlier appeal have not been overcome. The development remains prominent in the street scene and uses inappropriate materials.

### SUPPORT

1. The existing building is in disrepair and detracts from the character of the area;
2. The redevelopment of urban brownfield sites should be supported as it reduces pressure on the Green Belt;
3. The proposed apartment building will improve the character of the area;
4. The development would make a positive contribution to the wider regeneration of New Brighton;
5. The developer's investment in new apartments in New Brighton is welcomed; and
6. The site has been subject to vandalism and risks further instances of anti-social behaviour the longer it is left empty.

### GENERAL COMMENTS

- 1, Whilst not objecting to the redevelopment of the site for housing, a preference is expressed for the retention and conversion of the existing building rather than replacement; and
2. Whilst not objecting to the redevelopment of the site the amendments seem to have reduced the usable space of occupiers of the apartments and the planning system has not resulted in an optimisation of the scheme.

### CONSULTATIONS

**Environmental Health** - No objection.

**Highways** - The proposals are all contained within a private boundary and do not impact on the adopted highway to any great extent. The level of on-site car parking is in accordance with the SPD4 maximum standards and provides one space for each of the apartments. The visibility splay on to Albion Street with the proposal to widen the access is satisfactory. It is considered that if a vehicle has to wait within Albion Street whilst a vehicle from the development exits, that this will not cause a significant obstruction to through travelling traffic due to the wide carriageway of Albion Street.

It is unlikely that the proposals will generate a significant level of traffic over and above that which the former use of the building as a Hotel could have generated and it is therefore considered to have no material impact on the highway, as such there are no objections to the proposal.

A construction management plan is required to ensure that the demolition and construction

processes are carried out without causing any significant disruption to adjacent neighbours and businesses.

It is noted that the bin storage and cycle parking details have not been included within the submission, these details must be submitted for the approval of the LPA prior to the apartments becoming occupied and that a planning condition setting out these requirements is required.

The necessary works to the footway of Albion Street to create the widened vehicular access would require an informative.

**Housing** - As the scheme is a major application and proposes more than 10 units, affordable housing is required at a target of 20% of total units. It has subsequently been agreed that Vacant Building Credit is applicable to this site.

**Lead Local Flood Authority** - No objection subject to conditions to secure the final detailed foul and surface water drainage design and arrangements for its subsequent operation and maintenance.

**Merseyside Environmental Advice Service** - The application is in close proximity to statutory designated nature conservation sites and a Habitat Regulations Assessment concludes that likely significant effects on these sites could be expected. An Appropriate Assessment confirms that these effects can be avoided through mitigation measures which can be subject to condition.

The building has low bat roost suitability and an emergence survey to determine whether bats are using the building is required prior to determination to enable appropriate mitigation measures to be devised should bat use of the building be confirmed. Other ecological impacts can be avoided through the use of conditions.

**Natural England** - Natural England have been consulted, as required, on the outcome of the Appropriate Assessment carried out by MEAS. The response to the consultation is expected prior to the committee meeting and members will be updated at the meeting.

**Urban Design** - The projecting side windows to the second bedrooms are an unusual feature but they are considered to be acceptable. They are well set back from the main building elevations and allow for these rooms to receive light and a view without the potential for overlooking into adjoining gardens. The full height windows to the north or south will make the rooms feel much lighter and spacious than smaller windows to the side.

The gables allow for a more interesting roofline and the window openings incorporating winter gardens (an external terrace at first floor) will make the apartments much more liveable spaces. The window dimensions are also varied, which gives some hierarchy to the elevations.

Render, in exposed locations can quickly become denuded and patinated unless there is a strong maintenance regime and contrasting brick is a better option, although the tone and texture will matter to address the large expanse of uninterrupted elevations to the side.

Overall, the scheme incorporates a number of suggestions made at earlier stages and it is now a much better proposal than the one originally submitted.

**Wirral Wildlife** - An updated preliminary bat roost assessment is required as the one first submitted with the scheme is out of date. The building should also be inspected for nesting birds with demolition only being carried out following this inspection. The biodiversity value of the site should be enhanced through the landscaping incorporating native tree and shrub species with flowering perennial species to provide a pollen and nectar source for invertebrates. Where possible, bird and bat boxes should be erected.

**Natural England** – Natural England have been consulted, as required, on the outcome of the Appropriate Assessment carried out by MEAS. No objections are raised subject to appropriate mitigation being secured which should comprise the provision of an advisory leaflet which explains the sensitivities of the nearby designated sites, promotes the use of nearby Suitable Alternative Natural Greenspaces (SANGs) and includes a ‘responsible user code.’ An appropriate planning condition or obligation should be attached to any planning permission to secure these measures.

No responses to the consultation were received from Wallasey Civic Society or the Wellington Road Conservation Area Advisory Group

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

3.1.1 Under the terms of the Planning Scheme of Delegation, as this application is recommended for approval and has received more than 15 individual representations in objection it falls to be determined by the Planning Committee.

### **3.2 Site and Surroundings**

3.2.1 Hollins Hey is a substantial late-Victorian building originally constructed as a dwelling and latterly in use as a hotel prior to becoming vacant. The building is set over three storeys with additional cellar and roof space accommodation and is finished primarily in red brick with stone window surrounds and detail below a dual pitched slate covered roof with projecting gables. The building has been altered during its life as a hotel with dormer windows to the front and rear and a ground floor function room extension to the north, constructed approximately 20 years ago. The original principal elevation of the building faces north, towards Victoria Road behind lawned gardens with pedestrian access. Vehicular access is taken from Albion Street to the south with associated parking and turning space. Ground levels rise to the south so that the building presents as three storey to the north elevation and two storey to the south elevation, albeit with generous floor to ceiling heights.

3.2.2 The building is earlier in date than its immediate neighbours and much more substantial in scale. To either side, with their principal elevations facing north and fronting Victoria Road are two-storey semi detached dwellings of suburban form in brick and render below clay tiled roofs. These dwellings are set back from the road behind gardens and parking areas and are elevated above the highway as a result of the rising ground. They have enclosed rear gardens abutting the site. A building of more comparable age and scale sits to the east 199/201 Victoria Road, whilst the site of the former Hotel Victoria has been redeveloped within the past 20 years with a flat roofed apartment complex of 2, 3 and 4 storeys in height in a mix of brick and coloured render. Similar larger scale apartment development has taken place to the north, adjacent to New Brighton Railway station which sits on lower ground to the north side of Victoria Road.

### **3.3 Proposed Development**

3.3.1 Full planning permission is sought for the demolition of the existing building and the redevelopment of the site with a single building containing 14 apartments over four storeys to the north and three storeys to the south with the top floor accommodation partially contained within the roof space. The building would not exceed the ridge height of the existing and would sit predominantly on the footprint of the current but extend further to the east and south than at present, with a reduction in built form against the western boundary of the site. The principal access to the site would be gained from the existing access point off Albion Street which would be widened, and parking would be provided within the site on the basis of 1 space per apartment. Pedestrian access would also be gained from Victoria Road as at present. The access to the apartments would be from the south elevation, with gardens provided to the north. The building would be finished in contrasting brick below a series of tiled gabled roofs with the main outlook from the apartments being to the north and south via winter gardens and external terraces.



- 3.3.2 The application is the third revision of a scheme which has been refused planning permission twice, firstly in 2018 and then in 2019 with the second of these subsequently dismissed at appeal in 2020. Those schemes were refused principally on the basis of their form and appearance, considered detrimental to the character of the area and their adverse impact on residential amenity amongst other technical matters. Those schemes were broad in plan, seeking to maximise views from all apartments over the waterfront to the north which led to heavily glazed, flat roofed designs. These were found to be at odds with the character of the area and unduly prominent in the street scene and the 2020 appeal was dismissed on this basis. However, the Inspector found no conflict with the development plan in respect of the impact on amenity at neighbouring dwellings, whilst technical matters relating to the impact on bats could be addressed through the use of conditions. The scheme now submitted seeks to address the design and visual amenity concerns leading to the previous refusals and dismissal at appeal.

### **3.4 Development Plan**

- 3.4.1 The development plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) and policies of the Merseyside and Halton Joint Waste Local Plan (2013). The following policies are relevant to the consideration of this application and the full text and supporting justification can be found on the Council's website.

#### Wirral Unitary Development Plan Part 1 Strategic Policies

URN1 - Development and Urban Regeneration  
URN2 - Planning Agreements for Urban Regeneration  
HSG2 - Affordable Housing  
NCO1 - Principles for Nature Conservation  
TRT3 - Transport and the Environment

#### Wirral Unitary Development Plan Part 2 Policies

HS4 - Criteria for New Housing Development  
HS6 - Principles for Affordable Housing  
GR5 - Landscaping and New Development  
GR7 - Trees and New Development  
NC1 - The Protection of Sites of International Importance for Nature Conservation  
NC3 - The Protection of Sites of National Importance for Nature Conservation  
NC7 - Species Protection  
TR9 - Requirements for Off-Street Parking  
TR12 - Requirements for Cycle Parking

#### Merseyside and Halton Joint Waste Local Plan Policies

WM8 - Waste Prevention and Resource Management  
WM9 - Sustainable Waste Management Design and Layout of New Development

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

- 3.5.1 The National Planning Policy Framework (2021) is a material consideration in planning decisions, as are the contents of any relevant supplementary planning documents or guidance notes. The following are considered relevant to this application and the full text of the National Planning Policy Framework can be found at [www.gov.uk](http://www.gov.uk) whilst the text of supplementary planning documents can be found on the Council's website.

#### National Planning Policy Framework

Section 5 - Delivering a Sufficient Supply of Homes  
Section 8 - Promoting Healthy and Safe Communities  
Section 9 - Promoting Sustainable Transport

Section 11 - Making Effective Use of Land  
Section 12 - Achieving Well-Designed Places  
Section 14 - Meeting the Challenge of Climate Change, Flooding, and Coastal Change  
Section 15 - Conserving and Enhancing the Natural Environment

Supplementary Planning Documents/Guidance

SPD2 - Designing for Self-Contained Flat Development and Conversions (2006)  
SPD4 - Parking Standards (2007)

3.5.2 Emerging Local Plan

Wirral Borough Council is in the process of submitting a new local plan for examination. On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

3.5.3 As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision making process.

**3.6 Assessment**

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

- Principle of development;
- Design, Visual Amenity and the Character of the Area;
- The amenity of existing neighbours and potential future occupiers;
- Access, Parking and Servicing;
- Ecology and Biodiversity;
- Affordable Housing Provision;
- Other Material Considerations; and
- Planning Balance and Conclusion

3.7 Principle of Development:

3.7.1 The application site falls within a Primarily Residential Area as defined on the Unitary Development Plan proposals map. Within such area the Local Planning Authority accepts, in principle, proposals for new housing development subject to compliance with saved policy HS4 of the Unitary Development Plan and any other relevant development plan policy and material considerations.

3.7.2 The existing building is not a designated heritage asset as it does not comprise a scheduled ancient monument nor is it a listed building. The site does not fall within a Conservation Area, Registered Park and Garden, or World Heritage Site. Consequently the building does not benefit from any statutory protection from demolition. The Local Planning Authority has not identified the building as a non-designated heritage asset. It is

not recorded on the Merseyside Historic Environment Record and there is no published local list of buildings of historic significance. This view is consistent with that expressed by the Council in the appeal against the refusal of the previous application and as such there is no planning policy objection to the demolition of the existing building and the redevelopment of the site.

3.8 Design, Visual Amenity, and the Character of the Area

3.8.1 Saved UDP policy HS4 supports new residential development in primarily residential areas subject to the development being of a scale which relates well to surrounding property, in particular with regard to existing densities and form, and does not otherwise result in a detrimental change in the character of the area. The Council's 2006 SPD on Self-Contained Flat development expands upon policy and, amongst other matters, expects new development to relate well to geography and history of the place, sit happily within the pattern of existing development, respect the scale of neighbouring buildings, and use materials which are as high, or of higher quality than those used in existing buildings. In some cases a successful project can create new views and juxtapositions which add to the variety and texture of the setting. In respect of building lines, the SPD advises that where there is variety, an overall average should be determined to set the limit of an acceptable footprint.

3.8.2 The National Planning Policy Framework at section 12 seeks to achieve well designed places with paragraph 130 setting out core design principles. New development should, amongst other matters be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and it should be sympathetic to local character and history (including the surrounding built environment) whilst not preventing or discouraging appropriate innovation or change. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to respect local design policies and Government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

3.8.3 In dismissing the appeal into the previous refusal of planning permission, the Inspector concluded that the scheme failed to comply with the requirements of saved UDP policy HS4 and the recommendations of SPD2, with particular reference to ensuring developments are sympathetic to local character. The Inspector raised a number of objections:

a. That irrespective of details of design, the visual impact of bringing the bulk of the built form forward of the existing building would be significant when viewing the building in the context of the neighbouring properties and wider streetscape, particularly given the topography of the area which would accentuate the dominance of the appeal proposal within the street scene,

b. That there was no discernible relationship between the balconied five floors of flatted development and the neighbouring properties, which have clearly differentiated elements of ground floor, first floor and roof space, and the appeal proposal would read as a discordant element in the street scene, alien in this context.

c. That the discordant aspect was accentuated by the use of materials such as light brick and concrete style white render which have little direct link to the immediate area. This, along with the use of large areas of fenestration would not overcome the lack of meaningful articulation in the proposed development, whilst the use of reflective glass balconies would appear flat and incongruous rather than providing for a positive juxtaposition of design styles and materials and would draw attention to the flats. Notwithstanding this, the Inspector noted that alternative modern designs and use of contemporary materials would not necessarily be contrary to saved policy HS4 of the UDP.

3.8.4 There are fundamental differences in design between the scheme dismissed at appeal, which drew its influences from the 1930s Portland Court on Wellington Road in terms of

form, appearance, and materials, and the scheme now presented which has been revised with advice from the Council's urban design consultant:

a. The development has been reduced to four floors rather than five when viewed from Victoria Road. This has been achieved by omitting any excavation of the site and setting the ground floor levels of the building at the same level as the existing hotel, with the ridge line not exceeding the ridge height of the existing hotel. The overall height of the building remains the same as previously proposed;

b. The elevations of the building are much better articulated with clear definition between different floors of the building through the use of materials, fenestration and detailing. There is a clearer relationship between the floor levels of the building and those of the adjacent dwellings. There is much better depth to the elevations through the use of projecting gables and deeply recessed glazing to the terraces set behind a railing balustrade rather than glass. The overall ratio of wall to glazing has improved to give the building a much more solid appearance; and

c. Crucially the roof form of the building has altered from flat to a series of gables which significantly improves the vertical emphasis of the building, grounding it in the site and reduces the massing of the roof form, softening its bulk and responding much more appropriately to the surrounding context.

3.8.5 The external materials remain of brick, which is an appropriately contextual construction material, with the existing building being constructed predominantly in this material. The use of render has been omitted with the upper floor of the building to be delineated in a lighter, contrasting brick, which will seek to complement the contrast of the brick and render to the adjacent buildings. This use of contrasting brickwork, which was not present in the refused scheme (it was to be all in a single tone) will assist with lightening the visual massing of the building and have better durability than render, which can be subject to staining and patination in exposed locations. Careful control over the texture and tone of the brickwork will be needed to ensure it complements neighbouring dwellings and successfully lightens the upper floor of the building. Sample brickwork panels can be secured by condition.

3.8.6 The proposed building still sits forward of the bulk of the principal elevation of the existing by a distance of between approximately 6.5 and 8 metres and it will still be more assertive in the street scene than the existing building as a result. However, the harm identified by the Inspector is considered to be overcome by the reduced massing of the building achieved through the use of pitched and gabled roofs and the better articulation and depth relief to the elevations through the use of materials, alterations to fenestration and the incorporation of recessed winter gardens. Together these measures give a more sensitive and contextual design response ensuring that the scheme is no longer discordant or alien in its setting.

3.8.7 The building line along Victoria Road varies with the most consistent run being the semi-detached dwellings to the east between numbers 175 and 189 which have set backs of between 12 and 13 metres from the highway boundary. The building containing 199/201 Victoria Road has a set back of between 10 and 12 metres, whilst the recent Victoria View apartments have set backs of between 7 and 11 metres. It is the application site and the immediate dwellings to the west which are the anomalies with the existing building having a set back to the bulk of its front elevation of 20 metres, and the dwellings to the west, numbers 195 and 197 having a set back of 22 to 24 metres. Having regard to this variety, the proposed set back of the bulk of the front elevation of the proposed apartment building of between 12 and 15 metres would not be out of character with the wider set backs found along Victoria Road as a whole. A building line drawn from the corner of number 189 to the east and number 199 to the west would not be breached.

3.8.8 It is acknowledged that the building is larger in scale than its immediate neighbours, however this is not in itself harmful, as a building of more substantial scale than these

dwellings currently stands on the site. In views along Victoria Road from the east and west, the building would be read alongside, and in context with, the larger scale buildings at 199/201 and the Victoria View apartment complex. The existing street scene is seen as one where buildings of varying scales sit alongside one another and the proposed scheme does not represent a change to this context.

- 3.8.9 Taken as a whole, it is now considered that the scheme overcomes the objections of the Inspector when dismissing the appeal in 2020 and the revisions made demonstrate that the scheme, whilst remaining contemporary in appearance, is much more contextual and now relates well to surrounding property in respect of scale and form and does not result in a detrimental change in the character of the area. As such, the design and visual amenity objectives of saved UDP policy HS4 are met.

3.9 The Amenity of Existing Neighbours and Potential Future Occupiers

- 3.9.1 In dismissing the 2020 appeal against the refusal of the earlier scheme, the Inspector found no harm to the living conditions at neighbouring properties by way of overbearing, overshadowing, or overlooking effects and the same conclusion can be drawn in respect of the scheme now proposed. Having regard to the two dwellings to either side, number 189 Victoria Road to the east and number 195 to the west the outlook from the main habitable rooms to the front and rear will be maintained with the building sitting outside of a 45 degree line drawn from the centre of these windows. No overlooking of the gardens to these dwellings will result as there are no habitable room windows to the side elevations of the proposed development, whilst there will not be a significant or harmful change in the degree of shadowing of adjacent gardens caused by the building.

- 3.9.2 Outlook to the rear of the recently constructed dwellings to the south at numbers 52, 54 and 56 Albion Street will be improved through the re-siting of the building some 5 metres to the east of the existing . This will open up views north from the rear of these houses and increase the sense of openness from the rear. This demolition and re-siting also removes existing windows which directly face the rear of these properties. The new building sits approximately 3.8 metres further south than the existing but, due to the position being offset from the rear of number 56 there are no implications for harmful overlooking or overbearing effects. Similarly, the re-siting of the building results in the new development coming approximately 3.7 metres closer to the rear elevation of 50 Albion Street but as it remains offset to the north west and angled away from the rear elevation of number 50, no harmful overlooking or enclosing effects are to be expected.

- 3.9.3 Any noise and disturbance for neighbouring residents during demolition and construction can be minimised through the use of conditions, however some disruption is an inevitable part of development and it cannot be eliminated entirely. The proposed end use of residential apartments would be expected to be quieter in principle than the previous use as a hotel, with fewer vehicle movements and general comings and goings, especially compared to functions and events which would have been held at the hotel. General noise from the car parking area arising from the 14 apartments would not be materially different to that which could be experienced by neighbours with the previous hotel use, which had 13 bedrooms.

- 3.9.4 The internal amenity afforded to occupiers of the proposed apartments is acceptable, with floor areas ranging from 63 to approximately 90 square metres, all arranged as 2 bedroom 4 person apartments, broken down into the following specification:

Lower Ground Floor - 2x 77 square metres;  
Ground Floor - 2x 64 square metres and 2x 69 square metres;  
First Floor - 2x 69 square metres and 2x 70 square metres; and  
Second Floor - 4x 90 square metres (with roof space mezzanine)

- 3.9.5 The majority of apartments within the development meet or exceed the nationally described space standard of 70 square metres for 2 bedroom 4 person apartments. Whilst some do not, under the terms of the National Planning Policy Framework the standard is not yet

enforceable in Wirral as there is no policy in the development plan mandating the national standard. All units still provide adequate space for day to day living with all bedrooms exceeding the 11.5 square metre minimum for two person occupation and a good standard of outlook and natural light being achieved. All units feature a connection with outdoor space either through the use of terraces or winter gardens, with some communal garden space being provided to the north of the building adjacent to Victoria Road. Taken together, the scheme meets the expectations of the NPPF to secure a high standard of amenity for existing and proposed users of land and buildings.

3.10 Access, Parking, and Servicing

3.10.1 The site location is appropriate for flatted development, being adjacent to New Brighton railway station with frequent train services to local and regional centres and within a 400 metre safe walking distance of Victoria Road traditional suburban centre. Marine Point shopping and leisure destination is also easily accessible on foot, at approximately 450 metres safe walking distance. As such, this is not a location where occupiers would be dependent upon the private car for day to day living. There is no justification to depart from the SPD4 maximum standard of 1 car parking space per apartment, which can be accommodated within the site. Should any overspill parking be required, this can be accommodated on Albion Street or Victoria Road where parking is generally unrestricted and the majority of dwellings have their own in-curtilage parking provision.

3.10.2 The Local Highway Authority raise no highway safety issues in relation to the vehicular access from Albion Street, which is to be retained. Should there be a need for a vehicle to wait to access the site whilst another exits, the width of the carriageway on Albion Street is such that this would not be expected to cause obstruction to other traffic.

3.10.3 No details of the provision to be made for refuse or bicycle storage has been submitted, however this can be secured through a suitably worded planning condition with details to be agreed before construction commences and thereafter implemented and retained.

3.11 Ecology and Biodiversity:

3.11.1 The application site lies approximately 450 metres south of the Mersey Narrows and North Wirral Foreshore Special Protection Area, Ramsar site and Site of Special Scientific Interest and in proximity to similar international and national designated nature conservation sites within the Mersey and Dee estuaries. Due to the number and scale of recently proposed housing developments in proximity to these areas, this development may have in-combination effects on the features for which the sites have been designated, principally in respect to recreational disturbance to qualifying bird species. As such, the application requires Habitat Regulations Assessment which has been carried out on behalf of the Council by Merseyside Environmental Advice Service and concludes that without mitigation measures, there would be likely significant effects on these designated sites.

3.11.2 Consequently, an Appropriate Assessment is required under Regulation 63 of the Habitat Regulations 2017 and the outcome of the assessment is that mitigation measures can be secured through the planning system which would avoid any significant adverse effects on the designated sites. These measures comprise an advice leaflet for new homeowners/tenants to be provided upon occupation to inform the responsible use of designated nature conservation sites to minimise the risk of disturbance, and to advise on the location of suitable alternative natural greenspaces away from the designated sites. This can be secured through a suitably worded planning condition.

3.11.3 Natural England have been consulted, as required, on the outcome of the Appropriate Assessment and concur with its conclusion. Subject to the recommended mitigation being secured by condition, significant adverse effects on the statutory designated nature conservation sites can be avoided.

3.11.4 The application is accompanied by a preliminary roost assessment which assesses the existing building as having a low suitability for roosting bats. As this is greater than negligible, an emergence survey is required during the bat assessment season (May to

September) and as such it is recommended that this application be approved subject to completion of this survey and, if bat roosts or activity is identified, for the imposition of conditions to secure appropriate licensing and mitigation prior to demolition.

- 3.11.5 Avoidance of harm, and mitigation measures for any birds nesting within the existing building can be secured by condition, as can biodiversity enhancement to include the planting of native trees and shrubs with high biodiversity benefit as part of the site landscaping requirements.
- 3.11.6 The submitted arboricultural report advises that two trees are to be removed, a 12m high Lime tree to the east of the site access on Albion Street and a 10m high Elm to the north western site boundary on Victoria Road. The Lime tree is displacing the boundary wall with visible signs of decay whilst the Elm is showing no signs of vitality with advanced decay in the limbs. As a result of their condition, no objection is raised to their felling and suitable compensatory planting can be secured by condition as part of the landscaping scheme.
- 3.12 Affordable Housing Provision
- 3.12.1 As an application proposing more than 10 dwellings, the development is subject to the provision of affordable housing, with the target provision in this area being 20% of units, which would equate to 3 units. However, this application benefits from Vacant Building Credit to incentivise the re-use of brownfield land where existing buildings are to be re-used or redeveloped and as such the affordable housing requirement is reduced by an amount equivalent to the gross floorspace of the existing building.
- 3.12.2 In this instance the gross floorspace of the existing building comprises 76% of the floorspace of the proposed development and this means that the level of affordable housing required is reduced by 76%. With 76% taken off the standard 20% affordable housing requirement, the residual proportion of affordable housing required is 4.8%. This equates to less than one unit and therefore will be secured via a financial contribution to the Council to support the wider development of affordable housing in the area, rather than through direct on-site provision. The Council's formula for calculating affordable housing financial contributions outputs a figure in this instance of £23,200 which will be secured through a S106 legal agreement.
- 3.13 Other Material Considerations
- 3.13.1 Surface water from the site will be captured through the drainage system and attenuated within the pipe network prior to discharge into the combined sewer in Victoria Road at a restricted discharge rate of 5 litres/second. This will avoid any overloading of the existing drainage network and is agreed by the Lead Local Flood Authority which recommends conditions securing the final drainage design along with management and maintenance responsibilities prior to the system being installed.
- 3.14 Planning Balance and Conclusion
- 3.14.1 The proposed development would provide 14 dwellings in a sustainable location with good accessibility by public transport and close to local services and facilities where there is a housing supply shortfall. There would be modest economic benefits for the construction industry and its supply chain and through the spending power of additional residents within the town. Together, these benefits carry positive weight in favour of the application. The adverse impacts arising from the design and visual impact of the previous scheme are considered to have been overcome and the development is now more contextual in its form and external appearance, whilst remaining contemporary in design. It is no longer considered a discordant and alien feature within the street scene. No adverse impacts on neighbouring amenity are expected and no highway safety implications arise. Where other environmental matters arise, particularly in respect of ecology and biodiversity, they can be mitigated through the use of conditions. The requirement for a commuted sum in respect of off site affordable housing provision can be secured by way of a planning obligation. No significant adverse impacts of development have been identified that would justify refusal of the application.

3.14.2 As such, the recommendation to Planning Committee is to approve subject to the recommended conditions and a planning obligation.

**Summary of Decision:**

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

The proposed development would provide 14 dwellings in a sustainable location with good accessibility by public transport and close to local services and facilities where there is a housing supply shortfall. There would be modest economic benefits for the construction industry and its supply chain and through the spending power of additional residents within the town. Together, these benefits carry positive weight in favour of the application. The adverse impacts arising from the design and visual impact of the previous scheme are considered to have been overcome and the development is now more contextual in its form and external appearance, whilst remaining contemporary in design. It is no longer considered a discordant and alien feature within the street scene. No adverse impacts on neighbouring amenity are expected and no highway safety implications arise. Where other environmental matters arise, particularly in respect of ecology and biodiversity, they can be mitigated through the use of conditions and a planning obligation. No significant adverse impacts of development have been identified that would justify refusal of the application.

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

863/11 Revision A (Proposed Site Plan) dated 13.12.21 and received by the Local Planning Authority on 22 December 2021

863/12 (Floor Plans) dated July 2021 and received by the Local Planning Authority on 12 August 2021

863/13 Revision A (Elevations) dated 13.12.21 and received by the Local Planning Authority on 22 December 2021

14520 501 Revision A (Proposed Drainage Strategy General Arrangement and East Side Section) dated 03.09.21 and received by the Local Planning Authority on 21 September 2021

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

3. NO DEVELOPMENT SHALL COMMENCE until a Demolition and Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. For each phase of development the CEMP shall



demonstrate the following and, once approved, development shall be carried out in accordance with the approved plan.

(A) Highways

A.1 - Location(s) for the parking of vehicles of site operatives and visitors clear of the public highway,

A.2 - Location(s) for the loading and unloading of plant and materials

A.3 - Location(s) for the storage of plant and materials used in the demolition and construction of the development

A.4 - The erection and maintenance of security hoardings (including decorative displays and facilities for public viewing where appropriate), and

A.5 - Measures to prevent the deposit of mud/grit/dirt on the public highway, with wheel washing facilities where appropriate.

(B) Residential Amenity

B.1 - Control, monitoring and mitigation of emissions of noise, dust and sub-surface vibration.

B.2 - Hours of demolition and construction activity, and deliveries to and dispatches from the site not to exceed 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday.

For the avoidance of doubt no activity, deliveries or dispatches shall take place on Sunday or Public Holidays.

(C) Waste Management

C.1 - The anticipated nature and volumes of waste that the demolition and construction phases of development will generate,

C.2 - The steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,

C.3 - The steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and

C.4 - Any other steps to be taken to manage the waste that cannot be incorporated into the new development.

(D) Surface Water Management

D.1 - A demolition and construction phase surface water management plan (including any details of phasing if applicable)

**Reason:** In the interests of highway safety, the amenity of highway users and neighbouring occupiers, and to ensure that demolition and construction of the development achieves efficient surface water management and use of resources in accordance with policy WM8 of the Merseyside and Halton Joint Waste Local Plan.

4. NO DEVELOPMENT (EXCEPT DEMOLITION) SHALL COMMENCE UNTIL details of the provision to be made on-site for the secure, covered storage of bicycles to accommodate at least one bicycle per dwelling, and the provision to be made on-site for the storage of refuse have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the provision shall be constructed and made available for use upon first occupation of the development, and retained.

**Reason:** To ensure the development makes satisfactory provision for the secure storage of bicycles and the storage of refuse bins, in accordance with the requirements of saved policy TR12 of the Wirral Unitary Development Plan and policy WM9 of the Merseyside and Halton Joint Waste Local Plan.

5. NO DEVELOPMENT (EXCEPT DEMOLITION) SHALL COMMENCE UNTIL the final detailed sustainable drainage design for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The design shall:

i) Be based upon the submitted drawing: 14520 / 501 rev A dated 3 September 2021 –

Proposed Drainage Strategy, General Arrangement & East Side Section, and  
ii) Comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include the details as set out in the 'Terms of Condition; within the notes to applicant section of this decision notice.

Thereafter development shall be carried out in accordance with the approved details:

**Reason:** In the interests of sustainable and satisfactory drainage.

6. NO DEVELOPMENT (EXCEPT DEMOLITION) SHALL COMMENCE UNTIL detailed construction drawings identifying the finished site levels, internal floor levels and external eaves and ridge levels of any building intended at completion of the development have been submitted to and approved in writing by the Local Planning Authority. The drawings shall demonstrate the finished site levels, internal floor levels and external eaves and ridge levels in relation to existing site levels and the levels of adjacent land and buildings. Thereafter development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent development, in the interests of visual and residential amenity and to accord with the objectives of saved policy HS4 of the Wirral Unitary Development Plan.

7. No demolition or site clearance shall take place during the main bird nesting season (1 March to 31 August inclusive) unless a pre-commencement check has been carried out by a qualified ecologist no earlier than 48 hours prior to the start of works, and the qualified ecologist confirms in writing to the Local Planning Authority within 48 hours of the check taking place that no actively nesting birds are present.

**Reason:** To avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan.

8. No development above lower ground floor slab level shall take place until sample panels of the proposed external walling materials to be used in the development, and samples of the proposed external roofing materials, have been made available on site for the approval in writing of the Local Planning Authority. The sample panels shall measure no less than 1 square metre in area and demonstrate, as applicable, the type, size, colour, texture, pointing, dressing and coursing of the materials to be used. Thereafter development shall be carried out as approved.

**Reason:** To ensure the external appearance of the development complements the character of the area, in the interests of visual amenity and to accord with saved policy HS4 of the Wirral Unitary Development Plan.

9. No development above lower ground floor slab level shall take place until a detailed landscaping scheme for the site has been submitted for the approval in writing of the Local Planning Authority. The landscaping scheme shall demonstrate on a suitably scaled plan and associated specification:

- i) The location and type of materials to be used in the external surfaces of the development,
- ii) The type, location and design of any walls, gates, fences, railings or other means of enclosure,
- iii) Compensatory tree planting, in accordance with the Council's Tree, Hedgerow and Woodland Strategy 2020-2030, to replace those specimens felled.
- iv) Planting proposals for communal landscaped areas,
- v) Any earthworks required for the implementation of the landscaping scheme, and
- vi) The timing of implementation of the scheme.

Thereafter the scheme shall be carried out as approved.

**Reason:** To ensure the landscaping of the site effectively integrates with the character of the area, in the interests of visual amenity and to accord with the objectives of saved policies GR5 and GR7 of the Wirral Unitary Development Plan.

10. Should, within five years of planting, any tree planted as part of the landscaping scheme approved under condition 9, or any tree planted in replacement, be felled, uprooted, diseased or die, or in the opinion of the Local Planning Authority, become seriously damaged or defective, another tree of the same species shall be planted in the same place unless the Local Planning Authority gives its approval in writing to any variation.

**Reason:** To ensure the establishment of the landscaping scheme in the interests of visual amenity and to accord with saved policies GR5 and GR7 of the Wirral Unitary Development Plan.

11. If during site preparation, demolition or development works contamination is encountered or is suspected in areas where it had not been anticipated proposals for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the local planning authority prior to all but urgent works necessary to secure the area and control pollution risks and thereafter the remediation shall be carried out in accordance with the approved details.

**Reason:** To ensure that risks from the unexpected discovery of land contamination to the future users of the land and neighbouring land are controlled, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks.

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

**Reason:** In the interests of satisfactory and sustainable drainage and to manage the risk of flooding and pollution.

13. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL the vehicular access, turning, and parking areas identified on approved drawing 863/11 Revision A (Proposed Site Plan) have been constructed, surfaced in accordance with the landscaping scheme approved under condition 9, and made available for use. Thereafter the vehicular access, turning, and parking areas shall be retained.

**Reason:** To ensure safe access to and egress from the site, and the provision of satisfactory off-street accommodation for vehicles in the interests of highway safety and amenity and to accord with saved policies HS4 and TR9 of the Wirral Unitary Development Plan.

14. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL
- i) A scheme demonstrating the provision of electric vehicle charging points to at least 10% of on-site car parking spaces, including their location and the type of charging unit to be installed, and demonstrating the installation of utilities infrastructure to enable the future provision of electric vehicle charging points at all other on-site car parking spaces, has been submitted to and approved in writing by the Local Planning Authority, and
  - ii) The scheme has been implemented in accordance with the approved details and the charging units have been installed and made available for use.

Thereafter the charging units and future infrastructure provision shall be retained.

**Reason:** To ensure the development enables the charging of plug-in electric vehicles in

accordance with the objectives of paragraph 112 of the National Planning Policy Framework.

15. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL ongoing management and maintenance proposals for the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

For any surface water drainage assets to be adopted by the statutory drainage undertaker or Local Highway Authority, drawings showing the extent of the adoption and written confirmation of their agreement to adopt the same, shall be submitted.

For any surface water drainage assets not to be adopted by the statutory drainage undertaker or the Local Highway Authority, the following shall be demonstrated:

- i) Funding arrangements for ongoing maintenance,
- ii) The organisation responsible for future maintenance,
- iii) Copies of any legal agreement to be established with future home owners
- iv) Physical access arrangements,
- v) Establishment of legal rights of access in perpetuity
- vi) Maintenance requirements and frequency, and
- vii) Procedures to assure ongoing maintenance if the organisation responsible for future maintenance ceases to exist.

Thereafter development shall be carried out and operated in accordance with the approved details.

**Reason:** To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

16. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL Details of bird nesting boxes, to include their location, number and type on a suitably scaled plan, and the timing of their installation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the nesting boxes shall be installed in accordance with the approved details and retained.

**Reason:** In order to mitigate for the loss of nesting bird habitat in accordance with the objectives of saved policy NC7 of the Wirral Unitary Development Plan.

17. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL details of external lighting to be installed on site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) The hours of operation
- ii) The location, size and design of luminaires and fittings, and
- iii) The output of light sources with lux levels together with isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting beyond the site boundaries.

Thereafter the external lighting shall be installed and operated in accordance with the approved details.

**Reason:** To protect the amenity of existing neighbours and future occupiers from excessive external lighting and to ensure such lighting does not detract from the character of the area, in accordance with saved policy HS4 of the Wirral Unitary Development Plan.

18. Upon occupation, the occupier(s) of each dwelling shall be provided with a copy of the

information leaflet 'Respecting Nature in Wirral: A voluntary code for responsible recreation' (available here: [www.meas.org.uk/media/11050/lcr\\_leaflet\\_wirral.pdf](http://www.meas.org.uk/media/11050/lcr_leaflet_wirral.pdf)) as part of their homeowner/tenant information pack. The developer shall maintain a register of the date on which each occupier was supplied with the leaflet and, no later than one month after occupation of the final dwelling comprised in the development, the register shall be deposited in writing with the Local Planning Authority.

**Reason:** To avoid significant adverse effects upon statutory designated nature conservation sites arising from recreational disturbance to qualifying species, in accordance with saved policies NC1 and NC3 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.

#### Further Notes for Committee:

1. Terms of Condition (for condition 5)

The submitted Drainage Strategy shall comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include:

a) The justification for the final design,

b) Drawings to include:

- Topography and finished floor levels.
- Final layout
- Plan showing hatched permeable/impermeable areas. Pervious paving must be included in impermeable area for calculation of runoff.
- Final layout of sewers; outfalls; SuDS
- Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows
- Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations

c) Hydraulic modelling for final drainage strategy to include:

- System performance for following return periods; 1, 30, 100, 100 plus appropriate climate change allowance
- Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event
- Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs
- Volumetric runoff co-efficient (Cv) should be set to '1'

d) Timetable demonstrating completed SuDS construction prior to occupation,

e) Construction Phase Surface Water Management Plan, and

f) Secure means of access for maintenance and easements, where applicable.

2. The applicant, their advisers and contractors should be made aware that if any roosting bats are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

3. Consent under the Highways Act 1980 is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. The proposed vehicle access must be constructed in accordance with the specification issued by the Local Highway Authority and the works are undertaken at the developer's expense, including the

relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

4. The landscaping scheme to be approved under condition 9 should take the opportunities available to enhance the biodiversity value of the site through the use of native tree and shrub species tolerant of a position affected by sea winds, and species of local provenance in preference to non-native ornamental species. Soft landscaping proposals should consider the use of native and non-native flowering perennial species to provide a pollen and nectar source for invertebrates.

**Last Comments By:** 02/03/2022 10:16:01  
**Expiry Date:** 01/12/2021

**Planning Committee**

**21 APRIL 2022**

**Reference:**  
**APP/21/01428**

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

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

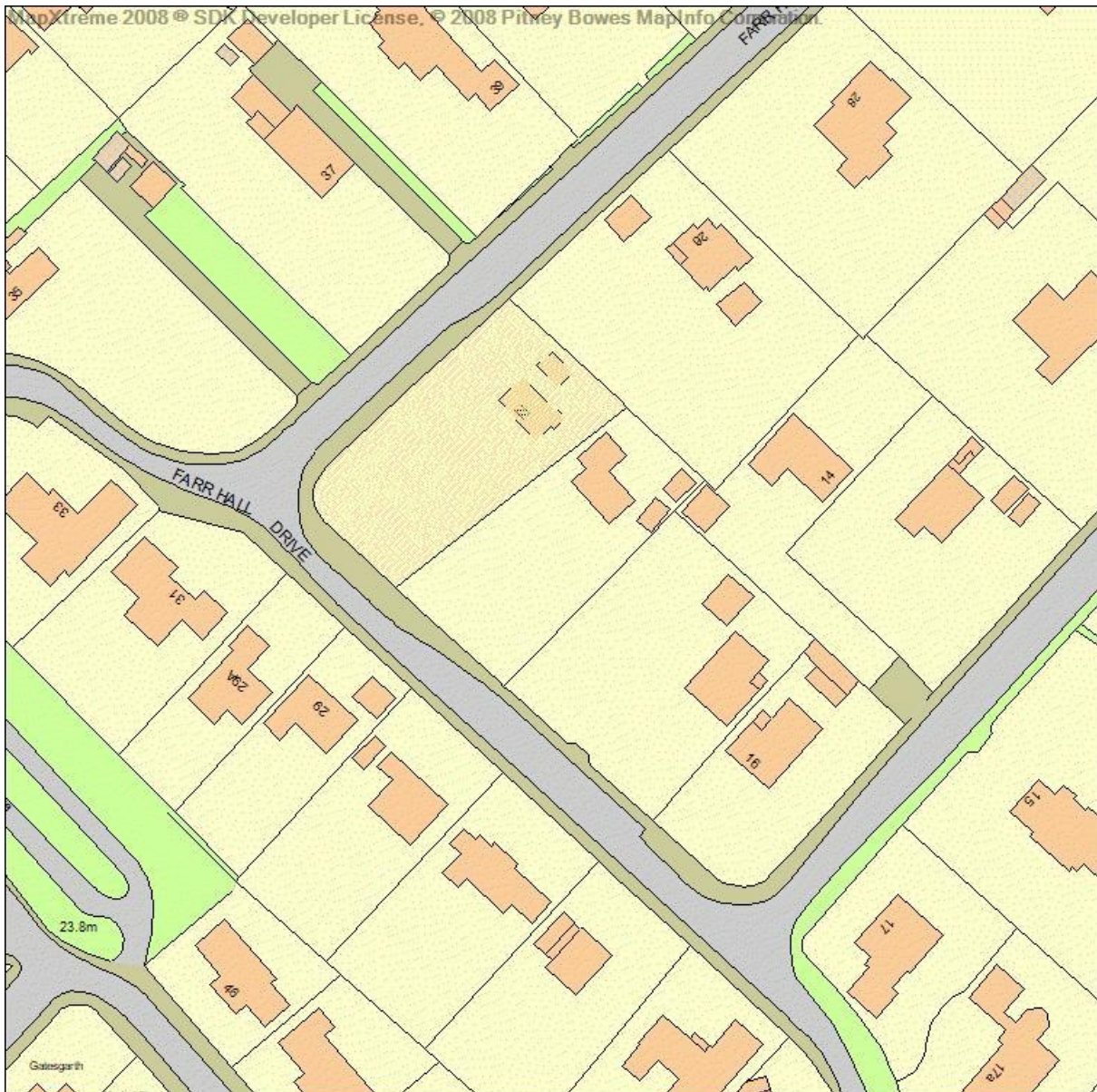
**Ward:**  
**Heswall**

**Location:** 22 FARR HALL DRIVE, HESWALL, CH60 4SH  
**Proposal:** Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works.

**Applicant:** HH Heswall Ltd  
**Agent :** Eden Planning and Development

**Qualifying Petition:** Yes, Number of Signatures: 295

**Site Plan:**



**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Tideway, Farr Hall Drive, Heswall. L60 4SE  
Application Type: Full Planning Permission  
Proposal: Relocation of existing garage, erection of entrance porch/cloaks, enlarging tarmac area.  
Application No: APP/86/06412  
Decision Date: 30/10/1986  
Decision Type: Approve

Location: Tideway, 26 Farr Hall Drive, Heswall, Wirral, CH60 4SE  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey rear extension and a rear conservatory.  
Application No: APP/99/05551  
Decision Date: 10/05/1999  
Decision Type: Approve

Location: Faraway, 22 Farr Hall Drive, Heswall, Wirral, CH60 4SH  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey extension  
Application No: APP/99/05869  
Decision Date: 07/07/1999  
Decision Type: Approve

Location: 22 FARR HALL DRIVE, HESWALL, CH60 4SH  
Application Type: Full Planning Permission  
Proposal: Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works  
Application No: APP/19/00910  
Decision Date: 20/03/2020  
Decision Type: Refuse

Location: 'Tideways', Farrhall Drive, Heswall, CH60 4SE  
Application Type: Full Planning Permission  
Proposal: Erection of garage/store, utility room and porch and alteration/extensions.  
Application No: APP/78/11578  
Decision Date: 08/03/1979  
Decision Type: Conditional Approval

Location: 22 FARR HALL DRIVE, HESWALL, CH60 4SH  
Application Type: Planning Pre-Application Enquiry  
Proposal: Demolition of existing dwelling and erection of 6 apartments.  
Application No: PRE/18/00360/ENQ  
Decision Date: 02/11/2018  
Decision Type: Pre-Application Reply

Location: 22 FARR HALL DRIVE, HESWALL, CH60 4SH  
Application Type: Planning Pre-Application Enquiry  
Proposal: Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access



works.  
Application No: PRE/21/00031/ENQ  
Decision Date: 08/04/2021  
Decision Type: Pre-Application Reply

## **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 nine neighbouring addresses on 29 July 2021. The deadline for receipt of representations passed on 23 August 2021.

A second consultation was undertaken, and notification letters were sent to seventy-seven neighbouring addresses on 11 January 2022. The deadline for receipt of representations passed on 5 February 2022.

#### REPRESENTATIONS

A petition containing 69 signatures and 82 letters of objection were received and are summarised as follows:

- Inaccuracies and design omissions
- Lack of topography information
- Car park insufficient
- Impact on bridleway
- Land ownership dispute and requirement to serve notice
- Road is too small to serve property
- Traffic accidents likely
- Congestion on local highway network
- SUDS, sewage and drainage concerns
- Massing, Scale, Form and Design unacceptable.
- Poor quality architecture
- Poor quality living conditions (insufficient light and outlook)
- Flat developments not supported
- Low floor to ceiling heights
- Inadequate car park
- Impact on trees

- Loss of privacy to neighbours
- Loss of sunlight and daylight
- Damage to bridal environment
- Impact on Heswall History (Heritage)
- Local social infrastructure is at capacity
- Loss of the thatched cottage
- Fails to promote sustainable travel
- Overdevelopment of the site;
- Out of character
- Approved house on the site is more suited;
- Out of character.
- Profits prioritised by developers
- No affordable housing

1 letter of support was received

## **CONSULTATIONS**

Tree officer – No objection. The amended (attenuation tank location) plan addresses concerns relating to excavations within the RPA of T7 and T10. However, the drainage routes still cause concern. A comprehensive arboricultural supervision is on the site is therefore a must.

Highways – No objection subject to the attachment of a construction management plan condition that is required to make the development proposals acceptable.

The Heswall Society Committee – Objection: In summary the positioning and design of the proposed development will cause harm to the amenity of both the prospective occupiers and of the owners of the neighbouring property. It endangers a healthy tree in the neighbour's property. For these reasons we would urge you to reject the application.

Environmental Protection – No objection

Wirral Wildlife - No bats were seen to emerge from the building or the trees on site. Therefore, no further bat surveys are required. Protection of the oak trees is important. Planning conditions regarding badgers, construction, bats, vegetation removal and bio-diversity value are attached.

Wirral Wildlife (Arboriculture further comments) – The protection of the TPO Oak trees (T11) is important. The development should be reduced in size to avoid at least the Root Protection Zones of the trees. The scheme should be moderated.

Welsh Water - We understand that the existing development discharges foul and surface water to the public sewer. We request that evidence of the existing surface water discharge to the public sewer is provided. On the basis that there is an existing surface water discharge to the public sewer, we will support a reduced surface water discharge through the use of attenuation and a flow control device. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### **3.1 Site and Surroundings**

- 3.1.1 The application site is 0.13ha, occupied by a detached property and is in Lower Heswall. The existing property is a two-storey, white rendered dwelling with a thatched roof sitting on a large corner plot. The building is located within the north-eastern corner of the site with a substantial garden to the south of the property.
- 3.1.2 The surrounding area is generally characterised by large residential buildings in generous plots. The site is bound by the gardens of neighbouring properties to the north and east and by Farr Hall Drive to the south and west. The site's access is in the northwest corner and comes via Farr Hall Drive. The part of Farr Hall Drive that bounds the site on the south-west side is an unadopted road.
- 3.1.3 The site slopes from north-east to south-west and there is lots of mature vegetation present.

### **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, 6 apartment building set within landscaped gardens.
- 3.2.2 The proposals include a new access off Farr Hall Drive, 6 off-street car parking spaces and sheltered provision for cycle storage.
- 3.2.3 The proposed building is designed to read as a large single dwelling and is set back from Farr Hall Drive by 6.5m. The proposals would be 7.174m high from ground to eaves and 11.263m high from ground to ridge.
- 3.2.4 The proposal would be constructed in the following materials:
- Soft red multi facing brick pointed with natural mortar to the majority of external walls
  - Pale yellow ashlar stone blocks to main entrance feature, some projecting bays and rear elevation feature panel
  - Portland stone coloured stone surrounds to feature panels and cills
  - Dark grey thin leading edge concrete roof tiles
  - Cedar timber cladding to oriel bays and within feature panels
  - Frameless glass balustrades to upper floor balconies
  - Dark grey aluminium windows and doors
  - Dark grey fascias and soffit boards to match the windows
- 3.2.5 The application follows the refusal of planning application APP/19/00910 on 18<sup>th</sup> June 2021 for the Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works, which was dismissed at appeal (APP/W4325/W/20/3253505) on 26 January 2021
- 3.2.6 Planning application APP/19/00910 was refused by the Council for the following reasons:
1. Farr Hall Drive is a rough, unmade right of way. There are no prominent residential frontages out onto the street as individual residences are set back within their individual plots often behind deep landscaped front gardens. Whilst there is no prescribed architectural style within Farr Hall Drive, residences are generally traditionally constructed and variants on a common theme. The proposed building would have an asymmetric, haphazard appearance with an architectural language

which would clearly articulate itself as a large apartment building which is unsympathetic and unbefitting of this location contrary to UDP Policy HS4, the Supplementary Planning Document for Flat Development and the National Planning Policy Framework.

2. The proposal would not provide an adequate living environment for prospective occupiers without compromising the amenity of the surrounding residences contrary to UDP Policy HS4, the Supplementary Planning Document for Flat Development and the National Planning Policy Framework. In reaching this decision, the Local Planning Authority acknowledges the current shortfall in housing, however, the limited benefit of allowing this development would not outweigh the adverse impacts of allowing this proposal the proposal is therefore considered unacceptable and recommended for refusal.

3.2.7 The main issue considered at the appeal (APP/W4325/W/20/3253505) was the effect of the proposal on:

- 3.2.8 (i) the living conditions of occupiers of neighbouring properties and future occupiers of the proposal with regards to privacy, light and outlook; and  
(ii) the character and appearance of the area.

3.3.9 The Planning Inspector concluded on point (i):

*Proposed apartments two, four and five have windows into bedrooms that are around 3.7 metres away from the boundary and approximately 6.195 metres from the neighbouring property 20 Farr Hall Drive (No 20). Due to the close proximity of these windows to the large building of No 20, views would be restricted compromising outlook for future occupants. The building of No 20 would appear overbearing and would give the proposed rooms an oppressive feeling. No 20 is a tall and bulky property and with the windows into these proposed bedrooms being the only external openings, there would be restricted amounts of light into the rooms which would result in the bedrooms having a cramped environment.*

*The refused plans indicate that the bedroom of apartment five which has a window in the north east elevation would be obscurely glazed. This is the only window in the bedroom and therefore obscurely glazing the window would offer severely restricted outlook. This room is described as "occasional guest bedroom" however, there would be no control over this and it is entirely probable that the room would be used by a permanent resident of the apartment. Bedrooms are habitable rooms in which residents would occupy for a significant part of a day. The obscurely glazed window and the lack of outlook would give the room a constricted atmosphere which would adversely compromise the living conditions of future occupiers of this apartment.*

*...I therefore find that that the proposal would have a harmful effect on the living conditions of future occupants with regards to outlook and light. The proposal would be contrary to Policy HS4 of the Wirral Unitary Development Plan 2000, the Wirral Supplementary Planning Document – SPD2 – Designing for Self-Contained Flat Development and Conversions 2006 and the National Planning Policy Framework (the Framework) which seeks development to achieve adequate separation from adjacent properties and have a high standard of amenity for future users.*

3.3.10

*Regarding overlooking, the Inspector concluded: "Concerns have been raised that the proposal would introduce overlooking into the garden areas of neighbouring properties. It is not unusual for residential accommodation to have some views into neighbouring gardens. Due to the proximity and location of the proposed windows, I do not find that the proposal would create any adverse overlooking effects into neighbouring gardens... I have found that the proposal would not have an adverse effect of the living conditions of occupiers of neighbouring properties in respect of outlook, light and privacy.*

### 3.3.11

The Planning Inspector concluded on point (ii):

*“The surrounding area is characterised predominantly by residential properties set in large plots with extensive landscaped gardens. The buildings in the area are of variant designs and form as well as having a mix of materials. It is this varied style of built form set within landscaped gardens that positively contributes to the character of the area.*

*The proposal would be a large building on a corner plot that would be visible through the existing landscaping. The scale, siting, design and architectural features of the proposed building, including elements of glazing, would be sympathetic and in keeping with the varied styles of the surrounding properties.*

*...The existing property is of cottage style with roof and ornamental scalloped ridge finished in white render. This property would be demolished and replaced by a larger building. No substantial evidence has been provided to indicate that the property is listed or of significant heritage value to warrant retention. I find that the loss of this existing building would not have a harmful effect on the character and appearance of the area. Accordingly, I find that the proposal would not have a harmful effect on the character and appearance of the surrounding area.”*

3.3.12 The application, proposes, amongst other matters, removing the oriel windows and repositioning the habitable side rooms windows (adjacent 20 Farr Hall Drive) to the rear elevation. This was deemed an acceptable location for windows by the Planning Inspector in the appeal decision.

3.3.13 It is noted that in response to other material considerations the Inspector also concluded the following *“I have had regard to all correspondence submitted which includes a petition and concerns from local residents. These concerns include matters relating to site levels, parking, density, highway safety, footpaths and bridleways, flooding, drainage, trees, traffic, need for housing and comments on the submitted drawings. I have given careful consideration to these matters, some of which I note that the Council have not raised any concerns about, but they do not lead me to a different overall conclusion on the main issues.*

## **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  
NC5 Protection of Badgers  
NC7 Species Protection  
TRT2 Safeguarding Land For Highway Schemes  
TRT3 Transport And The Environment  
TR9 Requirements for Off-Street Parking  
TR11 Provision for Cyclists in Highway and Development Schemes  
TR12 Requirements for Cycle Parking  
TRT1 (Provision for Public Transport)

### 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

### **Other Material Planning Considerations**

### The National Planning Policy Framework (2021)

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

### Wirral Supplementary Planning Documents

Supplementary Planning Guidance 4: Parking Standards  
Supplementary Planning Document: Designing for Self-Contained Flat Development and Conversions

### Emerging Wirral Local Plan

Wirral Borough Council is in the process of submitting a new local plan for examination.

On 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State.

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision-making process.

## **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
- Trees
- 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/20/3253505) dated 26 January 2021 relating to the re-development of the site for 6 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 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 residential properties set in large plots with extensive landscaped gardens. The buildings in the area are of variant designs and form as well as having a mix of materials.
- 3.6.5 The proposed development would be of asymmetric design, which is reflective of the variety of housing types within the surrounding area. The proposals are also orientated and designed to front Farr Hall Drive and maximise views of the River Dee. The

fenestration, glazed elements and proposed balconies and terraces within the proposals read as a cohesive approach to the elevation treatment and add visual interest to the building. The proposals are considered to constitute a high-quality design and build.

- 3.6.6 Given that the proposals are of a similar architecture, design, mass and scale to that deemed acceptable under appeal decision (APP/W4325/W/20/3253505), it is considered that the development is acceptable, as a sympathetic proposal, which is in keeping with the varied styles of the surrounding properties.
- 3.6.7 The loss of the existing dwelling on the site again is also deemed to be acceptable and have a negligible impact on the character and appearance of the local area in accordance with the findings of the Planning Inspector in the previous appeal decision.
- 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. While no new information has been provided by objectors, which would warrant a requirement for a different conclusion on the acceptability of the development proposals in design terms to be reached compared to the appeal decision.
- 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 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 of the NPPF 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) requires that new housing developments blend in well with those already built and create a safe external environment for future residents and existing neighbours.
- 3.7.4 To address the reasons for the dismissed appeal all of the previously proposed side windows have been removed and reposition to the rear elevation, which benefits from significantly better outlook.
- 3.7.5 The proposed development designed with a north eastern and south western 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, UDP Policy HS4 and Designing for Self-Contained Flats and Conversions SPD.
- 3.7.6 The development proposal does not comprise any additional affordable housing units, as it is not considered appropriate to negotiate such a provision in line with UDP Policy HSG2 (Affordable Housing Strategic Policy) for a development that comprises less than 10 units . The absence of affordable housing was not considered to be an issue in the previous appeal decision either
- 3.6.7 The development proposals seek to deliver 6 residential properties that can meet the needs of singles, couples, and small families.
- 3.6.8 A level access condition would be attached to any planning permission in response to



varying levels of mobility in accordance with UDP Policy HS9.

- 3.6.9 The proposed private landscaped communal garden for residents is 651sqm (47% of the whole site). This exceeds the general guidance of at least one third of the whole site, which would be 461sqm for the scheme. The above referenced landscape garden area does not include the parking area and servicing bin and cycle stores either. The proposal is considered acceptable in accordance with SPD2.
- 3.6.10 The appeal decision raised no concerns with the level of external communal amenity space previously proposed. For this reason, it is considered that the development is acceptable in this respect in accordance with the overarching aspirations of Policy GR6.
- 3.7 Highways:
- 3.7.1 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.
- 3.7.2 The proposal also comprises 6 off-street car parking spaces (1 per property). It is acknowledged that the level of proposed parking accords with the SPD4 standards however, it appears low for the number of bedrooms within the total number of apartments. It is therefore likely that some additional or overspill parking would occur within Farr Hall Drive. Wirral's Highway team is satisfied in this instance however that any overspill parking can be accommodated within Farr Hall Drive as the carriageway directly adjacent to the development is approximately 7m wide along this section and therefore allows moving vehicles to freely pass parked cars within the road.
- 3.7.3 The proposed level of cycle parking accords with the UDP 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 Farr Hall Drive which has satisfactory visibility and set back appropriately from the junction. Wirral Highway Team recommended that a separate pedestrian entrance is provided so that residents and visitors on foot do not have to walk through the car park entrance to get to the building. Revised plans including a separate entrance were subsequently submitted.
- 3.7.4 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 Farr Hall Drive which has satisfactory visibility and set back appropriately from the junction. Wirral Highway officers recommended that a separate pedestrian entrance is provided so that residents and visitors on foot do not have to walk through the car park entrance to get to the building. Revised plans including a separate entrance were subsequently submitted.
- 3.7.5 The objections raised by third parties regarding highway safety, congestion, parking design and the potential impacts on the adjacent bridal path have been duly considered in the assessment of these proposals. However, as no material changes are proposed to the site's access arrangements, the development remains separate from the bridal path, on site car parking provisions and the associated level of pedestrian and vehicle movement to that previously deemed acceptable under planning permission APP/19/00910 the proposals remain acceptable in highway terms.
- 3.7.6 It is therefore considered that the development proposals would have a minimal impact on the surrounding area subject to the attachment of a Construction Management Condition and an informative.
- 3.7.7 A planning informative will be attached separately requiring the reinstatement of the verge

### 3.8 Residential Amenity:

- 3.8.1 The proposed development would have a separation distance of c. 28m from the side elevation of no. 26 Farr Hall Drive, 41m from 37 Farr Hall Drive and 54m to 31 Farr Hall Drive. The side elevation of adjacent property at no. 20 Farr Hall Drive, which comprises a kitchen window would be c. 6m away from the development. This reduced separation distance is deemed acceptable as the neighbouring kitchen benefits from dual aspect (windows fronting different orientations) layout.
- 3.8.2 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.
- 3.8.3 The proposed development in terms of residential amenity is materially different to the appeal decision. The primary difference between the appeal scheme and this proposal is due to the relocation of the previously proposed side windows to the rear elevation, which has increased the number of windows and their prominence on the rear elevation. The level of overlooking over of the adjacent rear garden of no. 26 which is 3m – 4m away from the development proposals has therefore multiplied and become more extensive and intrusive. This is a matter that neighbouring residents have cited a reason for objection during the consultation period too.
- 3.8.4 Notwithstanding the above rear garden of no. 26 is of a large size. Large parts of the neighbour's rear garden will still benefit from a degree of privacy, in particular those at the southern and eastern end. It is a common and acceptable arrangement to have neighbouring properties overlooking adjacent gardens to some extent, as evidenced by the conclusions of the previous appeal conclusion. It is considered that neither the loss of privacy or the resulting level of overlooking to parts of the rear garden of no. 26 would warrant a reason for refusal.
- 3.8.5 It is therefore considered that the development would safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.
- 3.8.6 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 Wirral Wildlife confirmed that no bats were seen to emerge from the building or the trees on site. Therefore, no further bat surveys are required.
- 3.9.3 The application site is within an area which is used as a corridor between setts in upper and lower Heswall and badgers are likely to forage in or move through the application site. Badgers are protected under the Protection of Badgers Act 1992 and UDP saved policy NC5. A condition will be attached to ensure that construction activities are not detrimental to badgers.

- 3.9.4 Bats are known to forage in this area. A condition on lighting will be imposed that is designed to minimise impacts on bats and their insect food. All proposed exterior lighting will be required to conform to guidance of the Bat Conservation Trust (<http://www.bats.org.uk/> - June 2014)
- 3.9.5 Any dense vegetation (trees, shrubs, and hedgerow) to be removed will 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. If present, any nests must be protected from works until they are no longer in use.
- 3.9.6 For the above reasons and subject to the attachment of conditions, it is considered that the proposed development would accord with NPPF paragraphs 180, 181 and 182 and UDP Policy NC7.
- 3.10 Trees
- 3.10.1 The development of the site as proposed require the removal of T2-T5, H2 (in part) and G1, which are low quality trees. The removal of these trees was previously deemed acceptable in appeal decision (APP/W4325/W/20/3253505) dated 26 January 2021.
- 3.10.2 The Arboriculture Impact Assessment sets out the proposed mitigation measures for the development, which include:
- The erection of protective fencing in advance of the commencement of the development to safeguard the root systems of retained trees;
  - The agreement, in advance of the commencement of the development, together with the implementation during the construction phase, of an Arboricultural Method Statement; and
  - Arboricultural site supervision in areas within and immediately adjacent root protection areas.
- 3.10.3 Compensation for the impact of the development, together with landscape and biodiversity enhancements will also be achieved by way of the following:
- The planting of trees, shrubs and where applicable hedges as part of a comprehensive landscape scheme to replace any vegetation lost and to integrate the development into the wider landscape; and
  - The use of a mixture of native and ornamental species within planting schemes, where those species are suited to the site and local landscape.
- 3.10.4 Wirral Wildlife raised observations and concerns regarding the proposals, which are summarised as follows:
- 3.10.5 The protection of the oak trees is important. There is a Tree Preservation Order on the oaks and the holly and they will need to be protected by fencing according to BS837:2012 guidelines. The proposed footpath within the RPA of T11 could be constructed to a no - dig design. The Oak tree has been given a 'B' category which is a tree worthy of retention. In accordance with paragraph 131 of the National Planning Policy Framework 'existing trees should be retained wherever possible'. The loss of T11 to leave T10 as a standalone tree is unreasonable and groundless. The proposed building is located too close to the tree and there will be future pruning pressures.
- 3.10.6 Wirral's Tree officer also objected to the proposals as it was considered that the method statement does not reflect the changes to the layout of this proposal SHACK 376, Drawing No: B102 (Rev U), and even though the changes are a reduction in the car park size, the

submission cannot be relied upon to adequately protect and retain the trees during construction and in the long term. Consequently, it was advised that the method statement should be updated to reflect the changes to the proposal's layout and the RPA and protection measures for T7 adjusted as necessary. A robust and regular arboricultural supervision of the site and the appropriate use of planning conditions to ensure that the proposal can be enforced against, if tree protection measures are not followed correctly was also strongly advised.

3.10.7 The applicant in response submitted an updated arboricultural method statement and amended drainage layout (Drawing no. ELL/19017/HH/L/101), which proposed an attenuation storage tank and new drainage run to a new combined manhole are outside the RPAs of T7 and T10. The storage tank and drainage run will be located in 4 car parking spaces which are outside the RPA shown on Tree Protection Plan 22/AMS/WIRR/62 in Appendix 1 of the AMS. The applicant also confirmed that the ground level of the building itself is to be reduced. However, the remain site levels will not be subject to reduction.

3.10.8 Subject to the attachment of appropriately wording safeguarding conditions, the tree officer raised no objection to the revisions based on the fact there is now no longer a conflict between existing root protection area (RPAs) and the excavation for the siting of the storage tank and drainage run.

### 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 curtilage and also considered appropriate and provides easy access for servicing to be accommodated from Farr Hall Drive 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 (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.

3.12.2 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.

3.13. *Other Matters*

- 3.13.1 Objections have also been received regarding other matters, such as, trees, biodiversity, floods and SUDS that were neither raised as an issue by the LPA in the previously refused planning application, the appeal decision or within these revised proposals.
- 3.13.2 Regarding drainage matters specifically, Welsh Water have advised that it is understood that the existing development discharges foul and surface water to the public sewer. Subject to the submission of appropriate evidence (by way of a planning condition) that there is existing surface water discharge to the public sewer, it would support a reduced surface water discharge through the use of attenuation and a flow control device.
- 3.13.3 Claims have been made that the application red line encroaches the curtilage of the adjacent residential property. Whilst no evidence of such encroachment has been established the applicant has filed Certificate D with their application form and also published the relevant notice in accordance with the statutory requirements relating to the submission of this planning application. Any subsequent issues relating to alleged encroachment are private matters for the respective landowners to resolve via civil law. It is considered that no information provided by objectors would warrant the refusal of the proposals.

**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 08/07/2021, 25/10/2021, 23/11/2021, 09/02/2022 and 23/03/2022 (unless otherwise stated) and listed as follows:

ELL-19017-HH-L-101 A01 Drainage Layout (Submitted 23.03.2022)  
B100 C Existing Site & Location Plan (Submitted 23.11.2021)  
B102 AA Proposed Site Plan (Submitted 23.11.2021)  
B103 Y Floor Plans & Roof Plan (Submitted 25.10.2021)  
B106 T Proposed Elevations  
4250.01 F Landscape Plan  
4250.04 A Colour Landscape Plan  
3D View 1 Proposed Front Elevation  
3D View 2 Farr Hall Drive (Southwestern Street view)  
3D View 3 Farr Hall Drive (Northeastern Street view)  
B110 E Existing Site Plan Plot Ratio Analysis Plan  
B109 K Proposed Site Sections (Submitted 25.10.2021)

Planning Statement  
Design & Access Statement  
Arboricultural Impact Assessment  
Arboricultural Method Statement, inc Tree Update (Rev A – Feb 2022) (Submitted 09.02.2022)  
Drainage Strategy, inc Drainage Update  
Preliminary Bat Roof Assessment  
Nocturnal Bat Survey  
Streetscene and Character Appraisal

**Reason:** For the avoidance of doubt and to define the permissio

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. development hereby approved shall take place (including ground works and vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not limited to the following :
- a) Risk assessment of potentially damaging construction activities
  - b) A pre-commencement check for terrestrial mammals, including a Badger walk-over survey of the site and 30m of adjacent land (access permitting);
  - c) Identification of “biodiversity protection works” / Reason Avoidance Measures (RAMs) including but not limited to:
    - i. The working area, together with any storage areas, being kept clear of debris, and any stored materials being kept off the ground on pallets to prevent amphibians from seeking shelter or protection within them;
    - ii. Any open excavations (e.g. foundations / footings / service trenches etc) being covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets being covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them.
    - iii. Any excavation being in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians;
    - iv. Any open pipes being temporarily capped at the end of each working day to prevent any animals gaining access.
    - v. Any holes or trenches left open overnight being either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps) in case any badger should fall in.
    - vi. All building materials being stored so that badgers cannot access them.
    - vii. The use of chemicals (such as herbicides & fertilisers) being avoided wherever possible. Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals.
    - viii. Any obvious badger paths to be left clear of obstruction.
    - ix. All the property boundaries allow for the free movement of wildlife both during & after construction.
    - x. Protective fencing being erected surrounding the construction site during the building work to prevent badgers from entering the site
  - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - e) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. should only take place between 8am and 6pm daylight working hours and starting one hour after sunrise and ceasing one hour after sunset)
  - f) Responsible persons and lines of communication
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
  - h) Use of protective fences, exclusion barriers and warning signs
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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

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

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

7. The tree works methodology hereby approved and set out in Arboricultural Impact Assessment and Method Statement 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

8. 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) lighting details in relation to bats
  - 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.

9. The tree works methodology hereby approved and set out in Arboricultural Impact Assessment and Method Statement 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

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

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

**Last Comments By:** 05/02/2022 15:04:05  
**Expiry Date:** 02/09/2021



**Planning Committee**

**21 April 2022**

**Reference:**  
**APP/21/01733**

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

**Case Officer:**  
**Mr B Pratley**

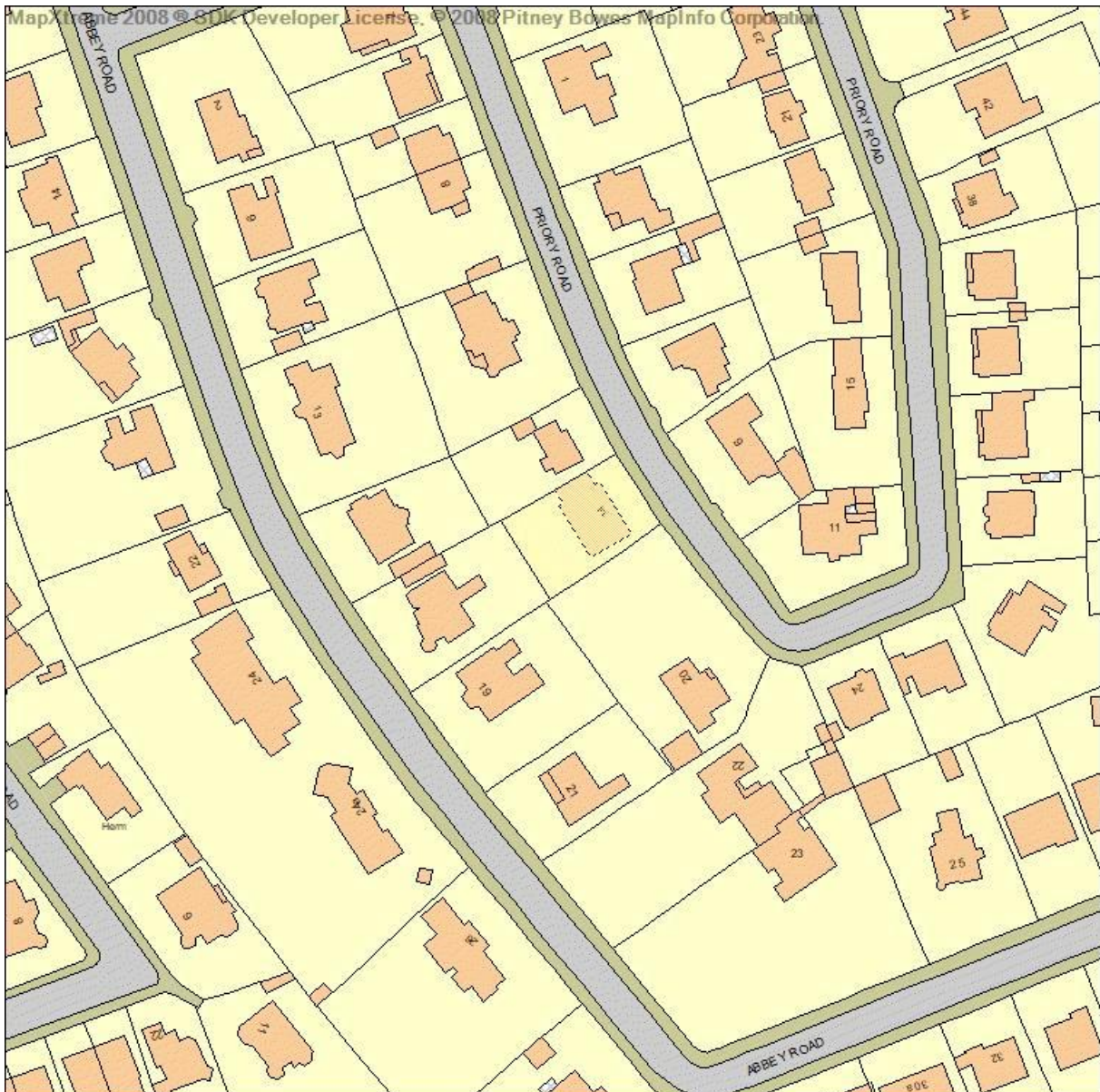
**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** 14 PRIORY ROAD, WEST KIRBY, CH48 7EU  
**Proposal:** Demolition of existing bungalow and construction of a replacement dwelling.

**Applicant:** Dr Moore  
**Agent :** ArchitectFolk

**Qualifying Petition:** Yes  
**Petition Number:** **Number of signatures:**  
1 33  
2

## Site



**Development Plan designation:**

Primarily Residential Area

**Planning History:**

No planning history.

**Summary Of Representations and Consultations Received:**

**1.0 WARD MEMBER COMMENTS**

1.1 Councillor Mountney made a number of enquiries about this application, but has not raised a formal objection.

**2.0 SUMMARY OF REPRESENTATIONS**

REPRESENTATIONS

2.1 Having regard to the Council Guidance on Publicity for Applications 9 notifications were sent to adjoining properties. At the time of writing this report 9 objections and a 33 name petition have been received, listing the following grounds:

- Detrimental visual impact of the proposal.
- Removal of front boundary wall not in keeping with character of the area.
- Loss of light at neighbours.
- Disruption from proposed building works, including impacts on highways.
- Does not contribute to tackling climate change.
- Loss of views for neighbouring properties.
- Devaluation of neighbouring properties.
- Loss of privacy.
- Water run off will be increased.
- Potential for impact on land stability.
- detrimental impact on trees

CONSULTATIONS

2.2 **Highways Department** - No objection.

**MEAS** - No objection.

**Tree Officer** - No objection received.

**3.1 Reason for referral to Planning Committee**

3.1.1 A qualifying petition of 33 names has been received.

**3.2 Site and Surroundings**

3.2.1 The site comprises a detached chalet/dormer bungalow located within a Primarily Residential Area. The property is single storey when viewed from the front and two storey when viewed from the rear.

**3.3 Proposed Development**

3.3.1 Demolition of existing bungalow and construction of a replacement dwelling.

**3.4 Development Plan**

3.4.1 Policy HS4 - Criteria for New Housing Development .

This policy requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

**3.4.2 Policy GR7 – Trees and New Development**

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value in the locality and their value for nature conservation.

**3.4.3 Policy NC7 – Species Protection**

Development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/or planning obligations.

**3.5 Other Material Planning Considerations**

**3.5.1** The National Planning Policy Framework (NPPF) supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area. Planning policies and decisions should optimise the potential of sites to accommodate development as long as the resulting scheme would provide acceptable living standards.

**3.5.2 Emerging Wirral Local Plan and its status**

Wirral Borough Council is in the process of submitting a new local plan for examination. On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State.

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision making process.

**3.5.3 Wirral Borough Council – Tree, Hedgerow and Woodland Strategy**

Planning applications will need to demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. The selection of new species to be planted will use the "right tree for right place" approach.

**3.6 Assessment**

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

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

- 3.7 Principle of Development:
- 3.7.1 The site is located within a Primarily Residential Area and as such the principle of development rests on whether the development is in accordance with the policies outlined below.
- 3.8 Design:
- 3.8.1 The existing property is a very modest dwelling that is significantly smaller than other dwellings in the immediate vicinity. Although it is a two storey property, it is built into a sloping site and therefore has the appearance of a bungalow when viewed from the street. The proposal would result in a form of development that would be two storeys at the front and three storeys at the rear. A streetscene submitted with the application indicates that the new dwelling will be shorter when viewed from Priory Road than the neighbouring property (12 Priory Road).
- 3.8.2 When viewed from the front the proposed dwelling will have two front facing gables, with a double height bay within one of the gables. The properties in the immediate vicinity are varied in character and number 12 also has two front facing gables. The rear elevation will include two recessed areas to be used as balconies, with a central gable feature with obscure glazing and patterned brickwork. In design terms the proposal is considered to have an acceptable impact on the site and the wider area.
- 3.8.3 The petition submitted in opposition to this application expresses concern about the visual impact of the removal of the front boundary wall. However, as this site is not located within a Conservation Area, the removal of the wall does not require planning permission.
- 3.9 Highways:
- 3.9.1 The Council's Highways Department have confirmed that they have no objection to the application, subject to the inclusion of an informative. They have also raised no concern about the impacts on the highway from the building works. There are no Highway Implications relating to this proposal.
- 3.10 Ecology:
- 3.10.1 An arboricultural report was submitted with this application. This confirms that, subject to the development being completed in accordance with the report's recommendations, the proposal will not have a detrimental impact on trees. The Council's Tree Officer has raised no objection to the proposal. It is recommended that a condition is attached requiring the development to be undertaken in accordance with the method statement included in the arboricultural report.
- 3.10.2 The application was also accompanied by an ecologists report entitled, "Inspection and Assessment in Relation to Bats and Breeding Birds". This document concludes that the site offers negligible bat roost potential. It also makes a number of recommendations in relation to birds. The Merseyside Environmental Advisory Service (MEAS) have confirmed that they have no objections, subject to the inclusion of a number of conditions.
- 3.10.3 One of the reasons cited as an objection to the application is a failure to tackle climate change. However, there are no planning policies applicable to a single dwelling house that would enable the Local Planning Authority to require a level of insulation to be provided greater than that afforded by the current Building Regulations. Additionally, as a minor application, the Lead Local Flood Authority has not been consulted on this application and there are no grounds to seek further details regarding surface water runoff.
- 3.11 Amenity:
- 3.11.1 Policy HS4 states that new housing development should not harm the amenity of neighbouring dwellings and that adequate distances should be made between habitable rooms in separate dwellings. Whilst Policy HS4 does not clarify what constitutes an adequate distance, the standards applied to house extensions, as laid out in Policy HS11 and SPG11, provide a useful rule of thumb. The SPG confirms that, for every metre

increase in height (or part thereof), the distances in the standard shall be increased by 2 metres. The ridge of the property following enlargement would be 56cm higher than the roof ridge of 17 Abbey Road. This would therefore require a separation distance of 23 metres. However, this guidance only applies to windows. The guidance on balconies is less exacting, stating that, "Balconies will not be acceptable where they would increase overlooking into neighbour's properties to an unacceptable degree and create a feeling of being overlooked from a higher level".

- 3.11.2 The southernmost of the balconies will be over 26 metres from the main part of 17 Abbey Road directly to the rear. It will be 21.2 metres from the rear extension of number 17, which is not in a direct line of sight. This balcony will be 10 metres from the rear boundary of the property. It is considered that these separation distances will ensure that there is no unacceptable loss of privacy at 17 Abbey Road.
- 3.11.3 The northernmost of the balconies has a more direct line of sight with the rear extension of 17 Abbey Road and therefore, following a request by the case officer, this balcony has been set further back into the proposed dwelling. This balcony will be 22 metres from the extension at number 17, which is considered to be a sufficient distance to protect privacy in number 17.
- 3.11.4 The glazed bedroom doors leading to the balconies will be recessed by 2.3 metres from the rear eaves of the dwelling, which means that they will be over 23 metres from 17 Abbey Road. The only other windows at second floor level serve en-suite bathrooms. It is recommended a condition is attached requiring these windows to be obscure glazed and for no other windows to be installed in the rear elevation at second floor level.
- 3.11.5 Given their lower elevation, and therefore lower likelihood of overlooking, it is considered that a separation distance of 21 metres between the first floor windows in the proposed dwelling and habitable windows in 17 Abbey Road, is appropriate. The proposal meets this requirement. These windows would be 10.2 metres from the rear garden of 17 Abbey Road, ensuring sufficient privacy.
- 3.11.6 There is a window in the side elevation of 12 Priory Road that is understood to serve a bedroom, and which is served by other windows on the rear elevation. The impact of the proposal on this room will be acceptable.
- 3.11.7 With regard to the rear facing habitable windows in 12 Priory Road, details submitted by the applicant indicate that the proposed dwelling will not come closer than a line taken at 45 degrees from the center of these windows. The occupant of number 12 disputes this, and has submitted their own diagram. However, this diagram takes the 45 degree line from the edge of the window, not the centre, as required by the guidance. Furthermore, the proposed dwelling will be almost a storey lower than number 12, with the first floor of the proposed dwelling largely in line with the ground floor of number 12, and the proposed second floor in line with the first floor of number 12. Furthermore the second floor of the proposed dwelling will be recessed. These factors will ensure the proposal will not have a detrimental impact on 12 Priory Road as a result of loss of light or overbearing.
- 3.11.8 The proposed dwelling will be over 25 metres from 20 Priory Road and 24 metres from 9 Priory Road. These distances will ensure there will be no detrimental impact on occupants of these or any other neighbouring dwellings as a result of loss of light or overbearing.
- 3.11.9 Both balconies are proposed to be fitted with privacy screens with a height of 1.7 metres to protect the privacy of occupants of 12 Priory Road and 20 Priory Road. It is recommended these screens are secured by condition.
- 3.11.10 With regard to the other issues raised by the objectors, a number of these, including the loss of views from, and devaluation of neighbouring properties, are not considered to be material planning matters. With regard to land stability, the Local Planning Authority has no evidence before it to suggest that this is an issue in this location.

### 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 represents an acceptable form of development, which complements the character and appearance of the surrounding area, safeguards neighbouring residential amenity and would not result in any highway concerns. As such the development accords with the objectives of the 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 1 February 2022 and listed as follows: B102 Rev A and in accordance with the approved plans received by the local planning authority on 2 February 2022 and listed as follows: B101 Rev A.

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

3. The rear facing second floor en-suite bathroom windows shall not be glazed otherwise than with obscured glass and fixed shut (with the exception of an opening light above 1.7 metres should this be required) and thereafter be permanently retained as such.

**Reason:** To safeguard the amenities of occupiers of adjoining properties and to comply with Policy HS11 of the Wirral Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the rear elevation of the property at second floor level unless expressly authorised.

**Reason:** In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

5. The development hereby approved shall be carried out only in accordance with the Method Statement contained within the Arboricultural Report received by the Local Planning Authority on 1 February 2022.

**Reason:** In the interests of protecting trees and to comply with Policy GR7 of the Wirral UDP.

6. The balcony screens hereby permitted shall be installed before the balconies are first brought into use. The screens shall thereafter be retained for as long as the balconies are in active use.

**Reason:** in the interests of the privacy of neighbouring dwellings and to comply with Policy HS4 of the Wirral UDP.

7. Prior to the first occupation of the dwelling hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

**Reason:** in the interests protecting bats and complying with Policy NC7 of the Wirral UDP.

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

**Reason:** in the interests of protecting breeding birds and to comply with Policy NC7 of the Wirral UDP.

9. 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 interests of enhancing biodiversity and to comply with Policy NC7 of the Wirral UDP.

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

**Reason:** in the interests of protecting common lizard and to comply with Policy NC7 of the Wirral UDP.

11. Before any construction commences, details of materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local

Planning Authority. The approved materials shall then be used in the construction of the development

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

**Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details
2. The applicant, their advisers and contractors should be aware that if any protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
3. It would be of benefit to encouraging bio-diversity if any landscaping on site includes suitable native tree species, such as:
  - Willow (*Salix* spp.);
  - Rowan (*Sorbus aucuparia*);
  - Birch (*Betula pendula* or *B. pubescens*);
  - Hawthorn (*Crataegus monogyna*);
  - Blackthorn (*Prunus spinosa*);
  - Alder (*Alnus glutinosa*); and
  - Holly (*Ilex aquifolium*).

**Last Comments By:** 06/11/2021 09:43:22

**Expiry Date:** 18/10/2021



# Agenda Item 6

**Planning Committee**

**17 March 2022**

**Reference:**  
**APP/21/01952**

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

**Case Officer:**  
**Miss A McDougall**

**Ward:**  
**Moreton West and  
Saghall Massie**

**Location:** 22 EDGEHILL ROAD, MORETON, CH46 6AN  
**Proposal:** Erection of attached dwelling house.

**Applicant:** Mr & Mrs Grimes  
**Agent :** Bryson Architecture

**Qualifying Petition:** No

**Site Plan:**



**Development Plan designation:**

Primarily Residential Area

**Planning History:**

No planning history

**Summary Of Representations and Consultations Received:**

**1.0 WARD MEMBER COMMENTS**

**1.1** *No comments received.*

**2.0 SUMMARY OF REPRESENTATIONS**

REPRESENTATIONS

14 neighbour notification letters were sent out, to date 12 objections have been received and 1 letter of support, the grounds of objection are;

- impact onto light
- obstruct view
- parking
- loss of privacy
- detrimental appearance
- noise and disruption

CONSULTATIONS

Local Highway Authority - No objection subject to informative

**3.1 Reason for referral to Planning Committee**

**3.1.1** The application has been submitted by an employee of the Local Planning Authority and objections have been received to the proposed development.

**3.2 Site and Surroundings**

**3.2.1** The plot is currently the side garden plot of 22 Edgehill Road, no 22 is an end of row two storey house (4 houses in the row). The area is residential in character with no defined building line, the properties are staggered and include large areas of greenspace giving an open and spacious character to the street scene.

**3.3 Proposed Development**

**3.3.1** The proposal is for the erection of a two storey dwelling attached to the eastern elevation of no 22 Edgehill Road that will accommodate the side garden of the existing plot. The works also include a designated driveway to both the application site (existing) and to no22.

The plans have been amended to show the building set back by 1m to lessen the impact onto 24 Edgehill Road.

**3.4 Development Plan**

**3.4.1** HS4 Criteria for New Housing Development Policy

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal

fulfilling all the following criteria:

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

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

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

#### **3.5.1 NPPF**

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

#### **3.5.2 Emerging Wirral Local Plan and its status**

Wirral Borough Council is in the process of submitting a new local plan for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State.

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision making process.

### **3.6 Assessment**

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

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

#### 3.7 Principle of Development:

3.7.1 The site is adjacent to a residential dwelling located within the designated Primarily Residential Area, the principle in accordance with Wirrals UDP Policy HS4 is considered acceptable.

#### 3.8 Design:

3.8.1 The proposed dwelling reflects the proportions, height and appearance of the established dwellings within the street scene and within the row of houses it would form part of.

3.8.2 The overall design approach ties in with that of the existing street scene. The layout of the proposed dwelling is traditional with outlook to the front and rear elevations for habitable rooms.

3.8.3 The design includes a single storey rear element that would project 2.6m from the rear elevation of no22, this is also inline with the house extension policy HS11 of the Wirral UDP in that it does not exceed 3m along the party boundary.

#### 3.9 Highways:

3.9.1 There are no parking restrictions on the highway, there are designated areas of off street parking as well as some properties having private driveways. The proposal includes a driveway to the front of the house similar to no22 and 24. Therefore there are no Highway Implications relating to this proposal.

- 3.10 Ecology:
- 3.10.1 There are no Environmental/Sustainability issues relating to these proposals.
- 3.11 Amenity:
- 3.11.1 The existing residential plot is large for one dwelling with a generous side garden. The property boundary has a slight angle with no24, the plot width of no24 is wider to the front. The proposed dwelling would follow the building line of no22 which is set much further forward than no24.
- 3.11.2 The side elevation of the proposed house would retain a distance of approximately 3m from the front side of no24 (this boundary distance does narrow to the rear of no24) and is to the north west side of this neighbouring property. The projection of roughly 4m forward of no24 would have an impact onto the front door, the first floor front window and the driveway. However given the orientation of the proposed dwelling, the set back from the building line of no22 by 1m and the distances between the proposed house and no24, the impact is not considered to be of such a level that would cause unacceptable harm to neighbouring amenity.
- 3.11.3 The proposed dwelling meets the councils interface distances, provides appropriate gardens for both the application plot and the remaining plot of 22. The proposed dwelling is approximately 36m from the opposite facing houses and 33m to the houses to the rearm the garden depth is roughly 18m which is considered appropriate in terms of residential amenity.
- 3.11.4 The proposed dwelling is characteristic of the surrounding residential area and is not considered to result in unacceptable harm to neighbouring amenity, therefore the proposal is acceptable in accordance with Wirrals UDP Policy HS4.

#### **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 scale, siting and appearance of the proposed dwelling reflects the established character and pattern of development, the proposal is therefore acceptable having regard to Wirrals UDP Policy HS4 and the NPPF.

**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 1 April 2022.  
  
**Reason:** For the avoidance of doubt and to define the permission.

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

**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.

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

**Last Comments By:** 01/03/2022 11:58:25

**Expiry Date:** 01/12/2021