



## Planning Committee

<b>Date:</b>	<b>Thursday, 10 November 2022</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

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## AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES (Pages 1 - 10)**

To approve the accuracy of the minutes of the meeting held on 13 October 2022.

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

Members 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.

5. **APP/21/02378 114 RAKE LANE, LISCARD CH45 5DL (Pages 11 - 22)**
6. **APP/22/00562 MARINERS PARK CARE HOME, ROYDEN AVENUE, EGREMONT CH44 0HN (Pages 23 - 40)**

#### **Planning Committee Terms of Reference**

The terms of reference for this committee can be found at the end of this agenda.

## PLANNING COMMITTEE

Thursday, 13 October 2022

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	P Martin
	T Elzeiny	J McManus
	H Gorman	P Stuart
	K Hodson	A Wright
	M Jordan	

Deputies:

Councillors C O'Hagan (In place of G Davies)  
S Powell-Wilde (In place of B Kenny)

85 **WELCOME AND INTRODUCTION**

The Chair welcomed Members of the Planning Committee, Officers and viewing members of the public to the meeting.

86 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from:  
Councillor Brian Kenny  
Councillor George Davies

87 **MINUTES**

**Resolved –**

**That the minutes of the meeting held on 8 September 2022 be approved.**

88 **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.

The Chair proposed to vary the order of items to accommodate the members of the public present. He proposed dealing with items in the following order:

APP/21/02188 Car park SW of Cherry Tree Shopping Centre

APP/22/01037 Allandale, Farr Hall Road

APP/21/01924 9 Pipers End, Heswall

APP/21/02378 114 Rake Lane, Liscard

The performance reports in order

This was agreed and the minutes are presented in that order.

89 **APP/21/02188 CAR PARK SW OF CHERRY TREE SHOPPING CENTRE**

The Principal Planning Officer presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Lead Petitioner Rebecca Lowe addressed the Committee along with Malcolm Goode as a blue badge holder.

Ward Councillors D Kenny and J Williamson addressed the Committee.

The Applicant's Agent, Derek Maynard Smith and Mr Daley spoke in favour of the application and answered questions.

On a motion by Councillor P Stuart and seconded by Councillor P Martin, it was –

**Resolved (unanimously) –**

**That the application be refused on the grounds that the ANPR cameras have an intrinsic role in the management arrangements of the car park which is undermining the vitality and viability of Liscard town centre. The development is therefore contrary to section 7 of the National Planning and Policy Framework and policy SH1 of the Wirral Unitary Development Plan.**

90 **APP/22/01037 ALLANDALE, FARR HALL ROAD**

The Principal Planning Officer presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Lead Petitioner Keith Pritchard addressed the Committee on behalf of local residents objecting to this proposal.

Councillor A Hodson spoke in objection on behalf of the Heswall Society.

The Applicant, Michael Mansfield, addressed the Committee.

The Chair, seconded by Councillor K Hodson, moved that the application be rejected on the following grounds:

1 – The proximity of plot 1 to trees protected by a Tree Preservation Order is likely to result in pressure from future occupiers for the removal or significant pruning of these trees to secure reasonable natural light to rooms and gardens, or to remove perceived dangers to life or property, to the detriment of the health and amenity value of the trees and the wider character of the area. As such, the application is contrary to saved policies GRE1 and GR7 of the Wirral Unitary Development Plan.

2 - The proximity of plot 1 to trees protected by a Tree Preservation Order would be likely to result in a poor standard of internal and external amenity at the rear of this dwelling and within the private garden due to the sense of enclosure and shading caused by the proximity and scale of the trees and the extent of their canopies. As such, the application is contrary to saved policy HS4 of the Wirral Unitary Development Plan and paragraph 130 f) and 131 of the National Planning Policy Framework, which seeks to ensure developments create a high standard of amenity for existing and future users of land and buildings.

This was lost with 5 in favour, 7 against

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

**Resolved (7:5) – that planning permission be granted with the following conditions:**

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

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

**2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 30 June 2022 and listed as follows: 21-042-110, Rev M, 21-042-111 Rev E, 21-042-112 Rev C, 21-042-113 Rev B, 21-042-120 Rev F, 21-042-123, Rev B, 21-042-121 Rev F, 21-042-122 Rev B, 21-042-151 Rev E, 21-042-150 Rev E, 21-042-152 Rev B and 21-042-153 Rev B.**

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

**3. No surface water and/or land drainage shall be connected directly or indirectly to the public sewerage network.**

**Reason: to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment and to comply with Policy WA1 (Development and Flood Risk).**

**4. 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 HS14 of the Wirral UDP.**

**5. Prior to the occupation of the dwellings hereby approved, details of bat boxes, including their number, type and location and the timing of their installation, shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall thereafter be installed in accordance with the approved details.**

**Reason: to compensate for the loss of the existing building that is considered to have moderate suitability for roosting bats and to comply with Policy NC7 of the Wirral UDP.**

**6. Details of external lighting for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is installed. The lighting shall thereafter be installed only in accordance with the approved details.**

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

**7. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on wild mammals: A pre-commencement check for wild 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; and Appropriate storage of materials to ensure that mammals do not use them.**

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

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

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

**10. The development hereby permitted shall be carried out only in accordance with the recommendations of the Arboricultural Method Statement and the Arboricultural Implications Assessment (dated 10 August 22 and 8 August 2022 respectively and both referenced TRE/AFHRH/Rev G).**

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

**11. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection. The tree**

protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

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

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

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

**13.** Prior to first occupation of the dwellings hereby permitted, a full landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of replacement tree planting on site and shall be implemented in full no later than the first planting season following first occupation. Any trees or shrubs dying within 5 years of being planted shall be replaced with an equivalent species no later than the following planting season.

**Reason:** In the interests of residential amenity and having regards to the Wirral Unitary Development Plan

91 **APP/21/01924 9 PIPERS END, HESWALL**

The Senior Planning Officer presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Councillor A Hodson spoke against the application.

Jeremy Forsey spoke as the applicant.

In line with Standing Order 9.1, in the Council's Constitution the Chair asked Members to indicate if they wished to continue to deal with all items on the agenda in full, dispose of them briefly or defer them.

**Resolved (unanimously) –  
That the meeting continue until the conclusion of the agenda.**

Councillor K Hodson moved, seconded by Councillor M Jordan, that the application be refused on the following grounds:

That the proposal would result in an unneighbourly form of development due to its scale and close proximity to habitable windows within the neighbouring property 9 Pipers End. This would result in an unacceptable loss of light and overbearing impact which would have a harmful and detrimental impact upon the amenities of existing and future occupiers. The proposal is therefore considered to be contrary to the Wirral Unitary Development Plan policy HS4 and the National Planning and Policy Framework.

This was voted on and lost (4:8).

On a motion by Councillor P Stuart and seconded by Councillor J McManus, it was –

**Resolved (8:4) – that planning permission be granted subject to the following conditions:**

**1. The development must be begun not later than the expiration of three years beginning with the date of this permission.**

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.**

**2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Layout Ref F1528-3C rec 08.09.2022 Proposed Floor Plans Ref F1528-1 rec 06.07.2022 Proposed Elevations Ref F1528-2A rec 31.08.2022 Proposed Double garage Ref F1528-4 rec 06.07.2022 Badger Pathways V2 rec 16.08.2022**

**Reason: For the avoidance of doubt having regard to WMBC UDP Policy HS4 (New Housing Development) and TR9 (Requirements for Off-Street Parking)**

**3. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents, unless otherwise agreed in writing by the Local Planning Authority: Proposed Elevations Ref F1528-2A rec 31.08.2022**

**Reason: To ensure the appearance of the development is satisfactory having regard to WMBC UDP Policy HS4 (New Housing Development)**

**4. The two en-suite windows on the western side elevation and the en-suite and kitchen window on the eastern elevation will be of the development hereby permitted must be; a) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and; b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.**

**Reason: To preserve the amenities of neighbouring properties, having regard to WMBC UDP Policy HS4 (New Housing Development)**



**5. The Badger protection measures described in Badger Pathways V2 rec 16.08.2022 shall be implemented prior to first occupation of the development hereby permitted and maintained in perpetuity for the lifetime of the development. This shall include two-way opening badger gates in the location shown, a minimum of 500mm wide badger pathway in the location shown and a clearance of the garage from the side fence, in the location shown, to allow these pathways of between 0.81m and 0.98m in width.**

**Reason: To preserve the foraging and dispersal habits of badgers, a protected species, and having regard to WMBC UDP Policy NC7 (Species Protection).**

**6. No external lighting shall be used until a scheme for external lighting has been submitted in writing and approved by the Local Planning Authority.**

**Reason: To mitigate potential impacts to the foraging and commuting habitats of bats and having regard to WMBC UDP Policy NC7 (Species Protection).**

**7. The submitted landscaping plan and details described in: Proposed Site Layout Ref F1528-3C rec 08.09.2022 Shall be implemented prior to first occupation of the development hereby approved and shall be maintained for at least a period of 7 years after first occupation of the development.**

**Reason: In the interests of visual amenity and having regard to WMBC UDP Policy HS4 (New Housing Development).**

**8. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the CEMP shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority. The CEMP should be accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures, and should include Pollution control measures to protect the adjacent Wirral Way Local Wildlife Site and adjacent habitats, particularly trees. This should include precautionary measures in respect of breeding birds and avoidance measures for badgers, hedgehogs, amphibians and reptiles. These should incorporate any appropriate mitigation measures suggested in the submitted ecological reports in addition to those suggested below. Specific mitigation measures raised by WMBC MEAS consultation response that should be included in the CEMP include: For the protection of Badgers and Hedgehogs: A pre-commencement check for badger and hedgehog; The Installation of protective fencing to prevent badgers entering the construction area; Construction work should be limited to daylight hours to avoid disturbing badger commuting in the vicinity of the development site; All trenches and excavations should be covered or 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; Chemicals or harmful materials stored on site should be kept in secure compounds away from access by animals. For the protection of Amphibians and Reptiles: Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians / 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 amphibians / 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 amphibians / reptiles from seeking shelter beneath them. Any excavation must be infilled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians / reptiles. For the protection of breeding birds: No tree felling, scrub clearance or vegetation management should 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 should be submitted for approval.

**Reason:** To mitigate the risk of accidental damage or pollution to the Wirral Way Local Wildlife Site that adjoins the southern boundary and to protect badgers, hedgehogs, amphibians, reptiles and breeding birds and to and comply with WMBC UDP Policy NC7 (Species Protection).

**9. An ecological enhancement of 2 bird nesting boxes (including sparrow and/or swift boxes on new buildings) shall be installed prior to first occupation and retained as such thereafter.**

**Reason:** To improve bird breeding habitat and comply with UDP Policy NC7 (Species Protection).

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

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

92 **APP/21/02378 114 RAKE LANE, LISCARD**

Councillor P Martin moved that this item be deferred to the next meeting as objections had been received regarding the consultation process and the ability of objectors to attend the meeting. Councillor S Foulkes suggested that the reason for deferral should be due to the late hour and to make sure that Members had sufficient time to consider the matter fully. This was moved by Councillor P Martin and seconded by Councillor P Stuart.

**Resolved (unanimously) –  
That the matter be deferred until the next scheduled meeting of the Planning Committee.**

93 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPLICATIONS**

The Chief Planner presented the report of the Director of Regeneration and Place which updated Members on the performance of the Development Management Service with regard to determining planning applications. The report outlined performance against government targets in terms of the speed of processing all applications.

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

94 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPEALS**

The Chief Planner presented the report of the Director of Regeneration and Place which updated Members on the performance of the Development Management Service regarding planning appeals, including the percentage of the Council's decisions overturned (on appeal) by the Planning Inspectorate. It was noted that there were no concerns raised on the performance.

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

95 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE ENFORCEMENT ACTIVITY BETWEEN 01.01.2022 TO 31.03.2022 AND 01.04.2022 TO 30.06.2022**

The Chief Planner presented the report of the Director of Regeneration and Place which updated Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period of 1st January 2022 to 31st March 2022, and 1st April 2022 to 30th June 2022.

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

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# Agenda Item 5

Planning Committee	10 <sup>th</sup> November 2022
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/21/02378	DM	Mr P Howson	New Brighton

<b>Location:</b>	114 RAKE LANE, LISCARD, CH45 5DL
<b>Proposal:</b>	Demolish derelict warehouse and offices and construct 3 houses
<b>Applicant:</b>	Mr Traynor
<b>Agent :</b>	Mr Dunn MDA

This application was deferred from Planning Committee (13 October 2022) as there was insufficient time to consider the application. The report has been updated to reflect comments received after the report was initially drafted for the previous committee.

<b>Qualifying Petition</b>	
Summary of objections: <ul style="list-style-type: none"><li>• Inadequate access</li><li>• Potential damage to No. 112 Rake Lane</li><li>• The three storey dwellings are too high (plans since amended)</li></ul>	No. of Signatures 34

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Vacant Building, 114 Rake Lane, Liscard, Wirral, CH45 5DL  
Application Type: Outline Planning Permission  
Proposal: Demolition of workshop/office premises and erection of 4no. semi-detached dwellings with parking  
Application No: OUT/06/07059  
Decision Date: 10/01/2007  
Decision Type: Refuse

Location: Vacant Building, 114 Rake Lane, Liscard, Wirral, CH45 5DL  
Application Type: Outline Planning Permission  
Proposal: Demolition of workshop/office premises and erection of 4no. semi-detached dwellings with parking (resubmission of OUT/2006/7059)  
Application No: OUT/07/06447  
Decision Date: 27/09/2007  
Decision Type: Refuse - ALLOWED ON APPEAL 20/06/2008

**Summary Of Representations and Consultations Received:**

<p><b>1. Ward Member Comments</b></p>	<p>No comments received.</p>
<p><b>2. Summary of Representations</b></p>	<p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council's Guidance for Publicity on Planning Applications 30 notifications were sent to neighbouring properties and 12 letters of representation were received in relation to the proposal comprising of 2 letters of support and 9 letters of objection and a single comment. A petition of objection containing 34 signatures was also submitted. The summary of all objections received is:</p> <ul style="list-style-type: none"> <li>a. Loss of light</li> <li>b. Loss of privacy</li> <li>c. Development is of a poor design</li> <li>d. Development is too tall</li> <li>e. There is bat activity within the building proposed for demolition</li> <li>f. Impact on biodiversity</li> <li>g. Negative impact on drainage</li> <li>h. Inadequate vehicular access</li> <li>i. Potential damage to No. 112 Rake Lane</li> </ul> <p>The letter of support states that the site is currently an eyesore and given the state of the site, the sooner it is developed the better.</p> <p>Amended plans were received by the Local Planning Authority and a re-consultation was conducted. 7 additional objections and 2 comments were received following the re-consultation on the revised scheme. The contents of the objections are similar to those already set out in the report, with the only additional consideration/objection raised being the potential for asbestos in the existing building and the lack of detail of the proposed landscaping. Landscaping details are secured by a condition</p>
	<p><b><u>CONSULTATIONS</u></b></p> <p>Highways Engineer – no objection</p> <p>Environmental Health – no objection</p> <p>Wirral Wildlife – no objection</p> <p>MEAS – no objection</p>
<p><b>3.1 Site and Surroundings</b></p>	
<p>3.1.1</p>	<p>The development site forms a backland plot which sits behind the primary frontages of Rake Lane and Withens Lane. The development site and the surrounding land all lies within a Primarily Residential Area. According to the Cheshire Tithe Map, a building has existed within this site since 1898 and was likely constructed around the same time as the frontage development. The building on the site is of brick construction with a pitched slate roof and features later extensions and alterations. The building</p>

	appears to have been vacant for a number of years and is in a poor state of repair.
3.1.2	Rake Lane forms part of the Borough's strategic road network and the frontage forward of the development site features a street level parade of shops with two storeys above. Withens Lane is characterised by late 19 <sup>th</sup> Century residential dwellings.

<b>3.2 Proposed Development</b>	
3.2.1	The development proposal involves the demolition of a large (700 sqm) warehouse and the erection of three dwellings.
3.2.2	The application initially proposed to erect one detached and two semi-detached dwellings which would have been two and a half storeys. Due to concerns over this and following discussions, the applicant has submitted revised drawings which propose a mews style development one and a half storeys in height. It should be noted there was a previous planning application for four dwellings within this site allowed on appeal under (ref: OUT/07/06447), and this is therefore a significant material consideration.

<b>3.3 Development Plan</b>	
3.3.1	The Wirral Unitary Development Plan designates the site as a Primarily Residential Area. The following are the relevant UDP policies: <ul style="list-style-type: none"> <li>• HS4 Criteria for New Housing Development</li> <li>• HS10 Backland Development</li> <li>• GR5 Landscaping and New Development</li> <li>• Requirements for off Street Parking</li> </ul>
3.3.2	The Joint Waste Local Plan for Merseyside and Halton <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>

<b>3.4 Other Material Planning Considerations</b>	
3.4.1	Wirral's Supplementary Planning Document 4: Parking Standards sets (among other matters) maximum limits for vehicle parking spaces.
3.4.2	Wirral's Supplementary Planning Guidance Note 10 Backland Development sets out standards for development proposals which sits behind existing houses.
3.4.3	The revised National Planning Policy Framework (NPPF) is a material consideration in the determination of this planning application. It 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. The NPPF also states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
3.4.4	Paragraph 130 of the revised National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and 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. Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
3.4.5	Paragraph 21 of the National Design Guide (2021) advises that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: <ul style="list-style-type: none"> <li>• the layout (or masterplan);</li> <li>• the form and scale of buildings;</li> <li>• their appearance;</li> <li>• landscape;</li> <li>• materials; and</li> <li>• their detailing</li> </ul>
3.4.6	Part 2 of the Design Guide sets out the ten characteristics of well-designed places. This includes (but is not limited to) the following: <ul style="list-style-type: none"> <li>• Contextual design which responds positively to the features of the site and the surrounding area beyond its boundary. Paragraph 43 advises well-designed development is integrated into its surroundings and designed around an understanding of the landscape character and existing patterns of built form and architectural styles which should inform the layout, grain, form and scale of development.</li> <li>• Design which responds to local identity and elements of a place that make it distinctive. This includes the height, scale, massing and relationships between buildings, façade design and landscape setting.</li> <li>• Built form which relates well to the site and its context.</li> </ul>
3.4.7	<u>The Emerging Local Plan</u>  The Proposed Submission Draft Local Plan was approved by the Council for publication and submission to the Secretary of State on 21 March 2022 and published for representations on legal compliance and soundness

	<p>from 9 May 2022 until 25 July 2022, in accordance with the approved Local Development Scheme. The Council considers the emerging Plan to be sound.</p> <p>On 26 October 2022 the Council formally submitted the Wirral Local Plan 2021-2037 and its supporting documentation to the Secretary of State for Levelling UP, Housing and Communities for Independent Examination.</p> <p>In attaching weight to emerging plans such as Wirral's paragraph 48 of the NPPF is relevant as it states:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>• the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>• 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</li> <li>• 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)." <p>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.</p> </li></ul>
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<p><b>3.5 Assessment</b></p>	<p>The main planning issues relevant to this application are:</p> <ul style="list-style-type: none"> <li>• Principle of Development;</li> <li>• Design;</li> <li>• Highways;</li> <li>• Ecology</li> <li>• Residential Amenity</li> </ul>
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<p><b>3.6 Principle of Development</b></p>	
<p>3.6.1</p>	<p>The development proposal involves the demolition of a large (700 sqm) warehouse and the erection of three dwellings. The development site and the surrounding land all lies within a Primarily Residential Area under the current Wirral Unitary Development Plan (UDP). UDP Policy HS4 allows for new residential development within Primarily Residential Areas subject to proposals fulfilling a number of criteria.</p>
	<p>The development site would retain its designation as a Primarily Residential Area under the emerging Wirral Local Plan and would be subject to Policies WS 3.1 and WS 3.2. Policy WS 3.2 advises that there should be a minimum of 60 dwellings per hectare in this location unless this is inappropriate having regard to site characteristics. The proposal is acceptable in principle subject to all other material planning considerations.</p>

<p><b>3.7 Design</b></p>	
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3.7.1	The standards for new housing development are set out under UDP Policy HS4 which includes visual implications. Development proposals should be of a scale that relates well to surrounding property with regard to existing densities and form of development. Proposals should not result in detrimental change in the character of the area.
3.7.2	Policy HS4 requires development proposals to consider other, practical matters such as servicing, access and parking. These matters cannot be considered in isolation as excessive areas of hardstanding and/or poorly located cycle and bin stores can detract from the quality of development and character of the area. Landscaping and boundary treatments should relate proposals to their surrounds. UDP Policy GR5 requires development proposals to be supported by landscaping proposals.
3.7.3	As the development site forms a backland plot Policy HS10 applies. Policy HS10 requires proposals for backland development to not result in detrimental change to the character of the area.
3.7.4	Policy WS 7.1 of the emerging Local Plan sets out a number of principles of design including requiring proposals to be of a density, scale and mass appropriate in context.
3.7.4	The application seeks approval for the demolition of an existing warehouse building and the erection of three dwellings. The development site forms a backland plot which sits behind the primary frontages of Rake Lane and Withens Lane. Backland plots are sites behind existing buildings and are typically used as garden or outdoor amenity spaces containing little more than ancillary buildings such as sheds or other small buildings. Occasionally, backland plots accommodate low-rise industrial or other buildings not associated with residential use, such is the case in this instance.
3.7.5	According to the Cheshire Tithe Maps, the existing warehouse was erected towards the end of the 19 <sup>th</sup> Century and was possibly used as a laundry. The original building is of brick construction and extends across virtually the entire width of the site. The building appears to have been extended across the rear at some point whilst the area of land beyond this, along the boundary with 171 Withens Lane, is overgrown and unkempt.
3.7.6	The proposed dwellings would form a terraced block of three and would be constructed roughly over where the rear segment of the warehouse currently sits. The dwellings are proposed to be one and a half storeys and approximately 7.1 metres to the ridge. According to the submitted drawings, the existing warehouse is 6.8 metres to the ridge. The submitted elevational drawings illustrate how the development would sit in relation to the primary frontages of Rake Lane and Withens Lane. Whilst the proposed dwellings would sit slightly above the ridge of No. 112 Rake Lane, they would clearly be subordinate to Nos. 128 – 118 Rake Lane and Nos. 171 – 191 Withens Lane. Given that the proposed dwellings would be only 0.3 metres greater in height than the existing warehouse and would maintain a subservient relationship to the primary frontage the scale of the proposed dwellings are considered acceptable.
3.7.7	In terms of the design, the proposed dwellings would have a modern mews signature with the upper floor set within the roof. The dwellings would be finished in facing brick. This is an acceptable approach to this backland site and the proposed design is considered to be acceptable. The proposal therefore complies with Wirral UDP Policy HS4 and HS10 and Policy WS 7.1 of the emerging Local Plan.

<b>3.8 Highways</b>	
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3.8.1	As noted, there is a previous planning refusal for four dwellings within the site which was allowed on appeal under OUT/07/06447. The appeal was submitted in outline with matters of layout and access determined. The Inspector concluded that the vehicular access into the site had been in commercial use for many years and that the impacts of four dwellings would not be more materially harmful than the existing use. Whilst this consent has lapsed it was determined under the current Wirral UDP and is thus afforded weight.
3.8.2	Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should give priority first to pedestrian and cycle movement, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places whilst minimising the scope for conflict between different users and allowing for the efficient delivery of goods and emergency access.
3.8.3	Policy WS 7.4 of the emerging Local Plan advises that in areas with alternative modes of transport parking standards can be below standards.
3.8.4	The Highways Engineer has considered the submitted details and advised that the existing access off Rake Lane is adequate and wide enough to allow for two vehicles to pass one another. The proposed use is considered to be less intensive than the established use and there is adequate in-curtilage parking, whilst the proposal is also close to sustainable modes of transport. There are therefore no objections on this basis.
3.8.5	An external cycle store is provided for each of the properties, and a condition has been attached for full details of storage and disposal of waste to be provided prior to first occupation of the dwellings.

<b>3.9 Ecology</b>	
3.9.1	The application was supported by a Daytime Bat Survey & Walkover which has been considered by Wirral Wildlife and Merseyside Environmental Advisory Service (MEAS). The Survey concluded that there was no evidence of bat activity or occupancy and that the building is not suitable for foraging habitat as it is surrounded by development. No evidence of protected species was found during the walkover. The conclusions of the Survey are accepted. Any vegetation removal should be undertaken outside the bird breeding season and the biodiversity of the site is enhanced. The area to the south of the existing building is overgrown with vegetation. It is proposed that this is replaced by a formal landscaping scheme, secured through a condition.

<b>3.10 Amenity</b>	
3.10.1	UDP Policy HS4 requires new residential development to provide adequate individual private or communal garden space to each dwelling. Adequate distances should also be made between habitable rooms in separate dwellings. Policy HS10 also requires backland developments to provide adequate private garden space. Policy WS 7.2 of the emerging Local Plan sets out privacy and amenity standards for new development.

3.10.2	The Supplementary Planning Guidance Note 10 on Backland Development advises that the erection of dwellings should not significantly affect the amenity of surrounding occupiers and that all development should maintain a distance of 21 metres between overlooking windows and 14 metres between windows and two storey blank gables.
3.10.3	The garden area of each dwelling would be approximately 6 metres in depth and 9 metres in width which, in this instance, is considered adequate for children's play and other practical activities such as clothes drying.
3.10.4	The rear boundary of the proposed dwellings would extend virtually across the entire boundary shared with No. 171 Withens Lane and would be set off this boundary by approximately 6.2 metres. Policy HS4 requires an adequate interface to be maintained between facing habitable rooms in separate dwellings and Policy HS10 merely requires backland developments to not prejudice the privacy of adjoining residents. There is no provision within current adopted policy which addresses the above scenario (window to amenity space) and thus a planning judgement must be made whether the distance of 6.2 metres from habitable first-floor windows on the rear elevation of the proposed dwellings to the boundary with this amenity area is acceptable.
3.10.5	The existing warehouse features a rear extension which features office space and a number of windows which are orientated towards the private amenity area of No. 171. Whilst the proposed dwellings would each feature three upper floor windows across the rear elevation (orientated towards No. 171) two of these would serve bathrooms and can be obscurely glazed. Therefore, only three bedroom windows would be orientated towards No. 171. The residential use is arguably of a lower intensity than the established office use, and this distance is therefore considered acceptable in this instance.
3.10.6	Additionally, significant weight has also been given in the consideration of whether this is a sufficient distance to the clear benefits to the residential amenity of surrounding properties through the removal of an existing non-conforming use within a residential area. Whilst the premises is currently vacant, it does nevertheless retain an established industrial use, which is not restricted by planning conditions and could potentially be brought back into use without requiring any form of planning permission. The removal of this use is therefore a significant amenity benefit which weighs in favour of the proposed development.

<b>Summary of Decision</b>	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 is acceptable in principle and would not adversely affect the character and appearance of the area or the amenity of surrounding occupiers. There would be no adverse impact upon the adopted highway and the Engineer has raised no objection to the proposal. Whilst the proposal would result in the loss of trees there would be a net gain through compensatory tree planting at the expense of the applicant. The proposal would comply with UDP Policies HS4, HS10, GR5, GR7, TR9, the National Planning Policy Framework and Policies WS 3.1, WS 3.2., WS 7.1, WS 7.2, WS 7.4 of the emerging Local Plan and is recommended for approval.

**Recommended Decision:**

Conditional Approval

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall begin not later than [3] years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 16 December 2021 & 16 August 2022 and listed as follows: 612/01, 612/03, 612/04, 612/101, 612/102, 612/103, 612/104, 612/105 and Location Plan

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

3. No development involving the use of any facing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

**Reason:** To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area

4. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan

5. A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To improve the appearance of the development and its contribution to biodiversity and the local environment

6. No vegetation management works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings 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:** To protect birds during their breeding season

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

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Wirral Unitary Development Plan

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or additions to the roof of the dwellings hereby approved [other than those expressly authorised by this permission] shall be formed or constructed.

**Reason:** To protect the appearance of the property and to protect the environment of people in neighbouring properties

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages or other buildings incidental to the enjoyment of the dwellings hereby approved shall be erected other than those expressly authorised by this permission.

**Reason:** To protect the appearance of the property and to protect the amenity of prospective occupiers by ensuring an adequate amenity area is retained

10. The dwellings hereby permitted shall not be occupied until the bathroom windows at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter

**Reason:** To protect the appearance of the property and to protect the environment of people in neighbouring properties

11. The following Reasonable Avoidance Measures (RAMs) shall be undertaken during the construction phase:

1. Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any mammals to move away from the affected areas;
2. 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 mammals from seeking shelter or protection within them; and
3. Any open excavations (e.g. foundations / footings / service trenches etc) should have a means of escape
4. Exposed open pipe systems should be capped to prevent mammals from gaining access

**Reason:** To protect amphibians/mammals during construction and to comply with Policy NC7 (Species Protection) in the Wirral Unitary Development Plan

12. 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:** To improve the developments contribution to biodiversity and the local environment

<b>Last Comments By:</b>	20-September-2022 (Re-consultation)
<b>Expiry Date:</b>	07-February-2022



# Agenda Item 6

Planning Committee	10 <sup>th</sup> November 2022
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/22/00562	DM	Mr P Howson	Liscard

<b>Location:</b>	Mariners Park Care Home, ROYDEN AVENUE, EGREMONT, CH44 0HN
<b>Proposal:</b>	The demolition of Mere Bank and Nautilus House and the erection of a 3/4 storey block comprising 27 two-bedroom supported living apartments for retired mariners with ancillary facilities, 210 sqm (net) office floorspace, and associated parking and landscaping on land off Richard Chubb Drive, Egremont
<b>Applicant:</b>	Mr Howarth
<b>Agent :</b>	Mr Armstrong Mosaic Town Planning

<b>Qualifying Petition</b>	
<p>Summary of objections;</p> <ul style="list-style-type: none"> <li>• Loss of trees</li> <li>• Loss of habitat</li> <li>• Loss of light and overshadowing</li> <li>• Air and noise pollution during construction phase</li> <li>• Overlooking</li> <li>• Proposed design is out of character</li> <li>• Risk of damage to surrounding property during the construction phase</li> </ul>	No. of signatures 88

**Site Plan:**



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<b>Development Plan designation:</b>	Primarily Residential Area
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<b>Planning History:</b>	Location:	Vacant land at Royden Avenue, Cliff Drive &, Mariners Park, Egremont, Wirral
	Application Type:	Full Planning Permission
	Proposal:	Erection of a two storey carehome for 32 residents and a two storey building to accommodate 14 self-contained flats, together with car parking and hard and soft landscaping.
	Application No:	APP/99/07027
	Decision Date:	18/02/2000
	Decision Type:	Approve
	Location:	21 WEBSTER AVENUE, EGREMONT
	Application Type:	Full Planning Permission
	Proposal:	Demolition of 21, 21a, 23, 23a, 25, 25a, 27, 27a, 29, 29a, 31 & 31a Webster Avenue and 1 Richard Chubb Drive. Construction of a four storey building

	with 500m <sup>2</sup> of community facilities serving all of the Mariners Park residents on the lower ground floor and 18, one and two bedroom flats over the other three storeys.
Application No:	APP/11/00887
Decision Date:	26/10/2011
Decision Type:	Approve

**Summary Of Representations and Consultations Received:**

<b>1. Ward Member Comments</b>	Councillor Daisy Kenny has advised that a petition had been submitted which (under the scheme of delegation) would result in the application being determined by Committee.
<b>2. Summary of Representations</b>	<p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council's Guidance for Publicity on Planning Applications 168 notifications were sent to neighbouring properties. At the time of writing 26 letters of representation have been received in relation to the proposal all of which object to the proposal. Summary of objections:</p> <ul style="list-style-type: none"> <li>a. Overdevelopment of the site;</li> <li>b. The building is out of scale;</li> <li>c. The building is out of character;</li> <li>d. Overlooking private gardens;</li> <li>e. Loss of privacy;</li> <li>f. Loss of light;</li> <li>g. Loss of view;</li> <li>h. Increase of traffic and associated noise and air pollution;</li> <li>i. Loss of trees;</li> <li>j. Loss of wildlife habitat;</li> <li>k. Lack of detail on geological impacts; and</li> <li>l. The proposal does not provide affordable housing as stated</li> </ul>

	<p><b><u>CONSULTATIONS</u></b></p> <p>Highways Engineer – No objection subject to condition</p> <p>Environmental Health – no objection subject to condition</p> <p>Lead Local Flood Authority (LLFA) – no objection subject to condition</p> <p>The Environment Agency – no objection</p> <p>MEAS – no objection subject to condition</p> <p>Natural England – no objection</p> <p>Trees &amp; Landscaping – no comment</p>
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	Regeneration & Environment – no objection
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<b>3.1 Site and Surroundings</b>	
3.1.1	The development site lies within Mariner’s Park which is operated by Nautilus International. Mariner’s Park is a retirement community for seafarers which sits along the banks of the River Mersey. The Park was established towards the end of the 19 <sup>th</sup> Century and initially comprised of a large building with central bell tower which faced the river (known as Cliff House) and a number of cottages. It is understood that the original mariner’s home was demolished in the early 1980s and a large building which operates as care home now sits in its place. The care home is laid out in a ‘T’ shape and has a design typical for a building conceived in the late 1990s. Little remains of the cottages which formed part of the original park as these were replaced with mid-20 <sup>th</sup> Century bungalows. In recent years a number of cottages have been demolished to make way for a three storey flatted development (which sits towards the centre of the site) and has a modern ‘art-deco’ signature. John Fay House is the latest addition to Mariner’s Park and saw the loss of a further three villas which appeared to be original to the park.
3.1.2	According to the Cheshire Tithe Maps, the development site (as defined by the submitted red edge) did not form part of Mariners Park until the mid-20 <sup>th</sup> Century. A large building known as ‘Manor House’ (since demolished) sat roughly where the bowling green sits today and ‘Mere Bank’ is shown on the Tithe Maps as early as 1898 and appears to have its own defined curtilage and was likely a private dwelling until it was acquired as part of the Park. Nautilus House is a mid-20 <sup>th</sup> Century building set over two storeys and finished in a buff brick. Much of the development site is open and grassed. A number of mature trees form the eastern boundary and filter views into the site from the promenade. Manor Lane slopes down west to east into the promenade and severs the development from the dwellings which make up Caithness Drive.

<b>3.2 Proposed Development</b>	
3.2.1	The application seeks approval for the demolition of two buildings (Mere Bank and Nautilus House) and the erection of a three to four storey mixed use development which would comprise of twenty seven two bedroom supported living apartments and 210sqm of office space. Associated hard and soft landscaping works are also proposed under this submission.

<b>3.3 Development Plan</b>	
3.3.1	The Wirral Unitary Development Plan 2000 <ul style="list-style-type: none"> <li>a. HS4 Criteria for New Housing Development</li> <li>b. HS15 Non-Residential Uses in Primarily Residential Areas</li> <li>c. GR5 Landscaping and New Development</li> <li>d. GR7 Trees and New Development</li> <li>e. TR9 Requirements for off Street Parking</li> </ul>
3.3.2	The Joint Waste Local Plan for Merseyside and Halton <ul style="list-style-type: none"> <li>a. WM8 Waste Prevention and Resource Management</li> </ul>

	b. WM9 Sustainable Waste Management Design and Layout for New Development
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<b>3.4 Other Material Planning Considerations</b>	
3.4.1	<p>The National Planning Policy Framework (2021)</p> <ul style="list-style-type: none"> <li>a) Achieving sustainable development</li> <li>b) Decision making</li> <li>c) Achieving well-designed places</li> </ul>
3.4.2	<p>Supplementary Planning Guidance 4: Parking Standards</p> <p>Supplementary Planning Document (SPD) for Designing for Self-Contained Flat Development and Conversions</p>
3.4.3	<p>Tree, Hedgerow and Woodland Strategy 2020-2030</p> <p>This Strategy is a material consideration. It provides amongst other matters that 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.</p>
3.4.4	<p>The National Design Guide (2021)</p> <p>The Design Guide advises that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings (Paragraph 21 refers). It comes about through making the right choices at all levels, including:</p> <ul style="list-style-type: none"> <li>a. the layout (or masterplan);</li> <li>b. the form and scale of buildings;</li> <li>c. their appearance;</li> <li>d. landscape;</li> <li>e. materials; and</li> <li>f. their detailing</li> </ul> <p>Part 2 of the Design Guide sets out the ten characteristics of well-designed places. This includes (but is not limited to) the following;</p> <ul style="list-style-type: none"> <li>a. Contextual design which responds positively to the features of the site and the surrounding area beyond its boundary. Well-designed development is integrated into its surroundings and designed around an understanding of the landscape character and existing patterns of built form and architectural styles which should inform the layout, grain, form and scale of development.</li> <li>b. Design which responds to local identity and elements of a place that make it distinctive. This includes the height, scale, massing and relationships between buildings, façade design and landscape setting.</li> </ul>

	c. Built form which relates well to the site and its context
3.4.5	<p>The Emerging Local Plan</p> <p>The Proposed Submission Draft Local Plan was approved by the Council for publication and submission to the Secretary of State on 21 March 2022 and published for representations on legal compliance and soundness from 9 May 2022 until 25 July 2022, in accordance with the approved Local Development Scheme. The Council considers the emerging Plan to be sound.</p> <p>On 26 October 2022 the Council formally submitted the Wirral Local Plan 2021-2037 and its supporting documentation to the Secretary of State for Levelling UP, Housing and Communities for Independent Examination.</p> <p>In attaching weight to emerging plans such as Wirral's paragraph 48 of the NPPF is relevant as it states:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>• the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>• 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</li> <li>• 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)." <p>The development site and the surrounding land to the north, west and south would retain its designation as a Primarily Residential Area under the Wirral Local Plan and would be subject to Policy WS 3.1. The site would also be subject to Policy WS 3.2 which guides housing densities and advises a minimum density of 40 dwellings per hectare in this location.</p> <p>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.</p> </li></ul>

<b>3.5 Assessment</b>	The main issues relating to this application are the impact of the proposal upon the character of the area, the amenity of surrounding occupiers and the impact upon the highway network and ecology.
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<b>3.6 Principle of Development</b>	
3.6.1	The development proposal involves the demolition of two buildings (Mere Bank and Nautilus House) and the erection of a three to four storey mixed use development which would comprise of twenty seven two bedroom supported living apartments and 210sqm of office space. Associated hard and soft landscaping works are also proposed.
3.6.2	The statutory plan for Wirral consists of the Unitary Development Plan (UDP saved by way of Direction of the Secretary of State on 18th September 2007) and the Merseyside and Halton Joint Waste Local Plan 2013. Under the current UDP the

	proposed development site is designated as a Primarily Residential Area. UDP Policy HS4 allows for new residential development within the Primarily Residential Areas subject to proposals fulfilling a number of criteria. As the proposal incorporates a degree of office space UDP Policy HS15 applies. Policy HS15 advises that non-residential uses will only be permitted subject to an assessment of the scale of the proposal, its impact upon local character and potential amenity implications.
	The development site and the surrounding land to the north, west and south would retain its designation as a Primarily Residential Area under the emerging Wirral Local Plan and would be subject to Policy WS 3.1. The site would also be subject to Policy WS 3.2 which guides housing densities and advises a minimum density of 40 dwellings per hectare in this location. The proposal is considered acceptable in principle subject to all other material planning considerations.

<b>3.7 Design</b>	
3.7.1	The standards for new housing development are set out under UDP Policy HS4 which includes visual implications. Development proposals should be of a scale that relates well to surrounding property with regard to existing densities and form of development. Proposals should not result in detrimental change in the character of the area.
3.7.2	Policy HS4 requires development proposals to consider other, practical matters such as servicing, access and parking. These matters cannot be considered in isolation as excessive areas of hardstanding and/or poorly located cycle and bin stores can detract from the quality of development and character of the area. Landscaping and boundary treatments should relate proposals to their surrounds. UDP Policy GR5 requires development proposals to be supported by landscaping proposals.
3.7.3	As the proposal involves the erection of a flatted development the Supplementary Planning Document (SPD) for Designing for Self-Contained Flat Development and Conversions applies.
3.7.4	The SPD advises 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.
3.7.5	Section 12 of the National Planning Policy Framework (NPPF) sets out the Government's planning policies for England in relation to achieving well-designed places.
3.7.6	Paragraph 130 of the revised National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and 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.
3.7.7	Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
3.7.8	The application seeks approval to demolish Nautilus House (within the western segment of the development site) and Mere Bank (north-east corner of the development site). Both of these buildings form part of Mariner's Park. A three to four storey mixed use development which would comprise of twenty seven, two

	bedroom supported living apartments and 210sqm of office space is proposed to be erected within the site.
3.7.9	Mariner's Park is a retirement community for seafarers which was established towards the end of the 19 <sup>th</sup> Century. There are few unobstructed views into the Park from public vantage points.
3.7.10	From Seabank Road, trees and shrubs filter views into the site. As Seabank Road sits at an elevated position relative to the Park, only the rooftops and chimneys of a number of the dwellings which form the western edge of the Park are generally visible above this vegetation. Vegetation also extends around into Maddock Road (which slopes down from Seabank Road into the promenade) but this is interrupted by the original vehicular access into the Park (at the junction with Seabank Road) and the current vehicular and pedestrian access into the Park. Views of recently constructed John Fay House, care home and adjacent flatted development can be sought from these vantage points, however, due to the topography of the area, views into the Park are limited. When viewed from the promenade, the buildings which make up Mariner's Park are elevated behind a retaining wall and landscaped slope with trees and shrubberies which again filter views into the site. Mere Bank is available to the observer when on foot as you move towards the bottom of Manor Lane.
3.7.11	Finally, Manor Lane forms the north/north-western boundary of the site and appears to be a remnant of the original field boundary before the land was developed (according to the Tithe Maps). Manor Lane is a narrow, intimate road in which its primary function appears to be to provide access to the garages and ancillary buildings associated with the dwellings along Warwick Drive and Caithness Drive. Visibility into the development is again restricted due to a retaining wall topped with shrubberies.
3.7.12	Given the character analysis above, it is evident that Mariner's Park has a unique relationship with the local townscape. Glimpses into the site can be sought and it is clearly visually available to the casual observer. However, the boundary treatments and topography of the area give it a distinctive 'remoteness' which is at odds with the rigid rows of dwellings (Caithness Drive, Warwick Drive and to a lesser extent Blenheim Road) which generally characterise the immediate surrounds.
3.7.13	The proposal involves the demolition of Nautilus House which effectively sits at the bottom of Warwick Drive behind Manor Lane. Whilst there is no defined footway along Manor Lane, there is a pedestrian access into Nautilus House forward of the building. Nautilus House has an unremarkable design and is finished in a buff facing brick. Whilst this brick does reflect the materials used elsewhere within Mariner's Park, it does appear to be a poor relation to the attractive red brick dwellings which line Warwick Drive and its loss would make a positive contribution to the area.
3.7.14	Mere Bank appears to have been constructed at a similar time to the dwellings which line the likes of Caithness Drive, Warwick Drive and Lincoln Drive. It is likely that Egremont established itself as a suburb for a growing (and increasingly affluent) professional class who could easily commute into Liverpool via the nearby ferry. The building is unlisted and does not lie within or affect the setting of a conservation area. The loss of Mere Bank, and the subsequent redevelopment of this part of Mariner's Park, would generally be consistent with how the Park has developed over the last 60/70 years i.e. buildings have been cleared and redeveloped to meet the changing needs of an organisation that offers a service to former mariners.
3.7.15	In terms of the proposed building, the form would be similar to the other, flatted development recently erected towards the centre of the Park known as 'the Hub'. Whilst the proposed building would also be oriented so as to maximise views out



	towards the River Mersey, its architectural language would be a departure from the thinly veiled 'art-deco' signature seen on 'the Hub' as it would have a modern, ordered façade which has a vertical emphasis.
3.7.16	According to the submitted drawings (Proposed Site Layout drawing No. 5563_1201 Rev. B), the proposed building would be set back behind the promenade by at least 31 metres (taken from the centre of the building (approximately)). The application is also supported by elevational drawings which demonstrate how the development proposal would sit within the landscape. The proposed building would sit back from the promenade behind a landscaped verge with a number of mature trees which would filter views into the site as per the existing arrangement. Views into the site and of the proposed development would be limited from Manor Lane would be limited by virtue of the topography of the area. Thus, despite the building's scale, its impact upon the character and appearance of the area would not be negative, rather, it would have a similar relationship with public viewpoints and space as the existing arrangement – being visually available whilst also being physically severed to the casual observer.
3.7.17	Finally, it is accepted that the occupiers of the dwellings towards the bottom of Caithness Drive would have views of the building from their upper floor windows. However, the above assessment has concerned itself with assessing the use of the land in terms of the wider public interest. Loss of view is not a material planning consideration and therefore not a reason for refusal.
3.7.18	The development proposal would be contained within Mariner's Park which is a private community which has a long history of redevelopment to suit its needs. As such the proposal would not have negative impact upon the character of the area in accordance with UDP Policy HS4, the SPD for flatted developments and Policy WS 7.1 of the emerging Local Plan.

<b>3.8 Highways</b>	
3.8.1	The requirements for off-street vehicle and cycle parking are set out as maximums under Policies TR9 and TR12 of the UDP and the accompanying Supplementary Planning Document on Parking Standards. Policy WS 7.4 of the emerging Local Plan advises that in areas with alternative modes of transport parking standards can be below standards.
3.8.2	Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should give priority first to pedestrian and cycle movement, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places whilst minimising the scope for conflict between different users and allowing for the efficient delivery of goods and emergency access.
3.8.3	The development proposal is supported by a Transport Plan which includes a Travel Plan which has been considered by the Highways Engineers.
3.8.4	The Council's Engineer advises that they have no objection to the proposal. The level of car parking (total 23 No. spaces including 2 No. mobility spaces) would provide 13 No. spaces for residents and visitors and 7 No. for office staff. 10. No cycle spaces are also proposed. This is considered adequate and in accordance with the adopted guidance which are set out as maximums. The Engineer also advises that the development site is in a location within reasonable distance of sustainable, public modes of transport.
3.8.5	The Engineer has also considered the potential number of vehicle movements and advise that there are no concerns around highway capacity or safety. Subject to conditions there are no objections from the Engineer.

3.8.6	As stated above the Council's adopted parking standards are set out as maximums and the proposed level would thus comply with UDP Policies TR9 and TR12 and Policy WS 7.4 of the emerging Local Plan.
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<b>3.9 Ecology</b>	
3.9.1	The Local Planning Authority rely on Merseyside Environmental Advisory Service (MEAS) to provide advice and guidance on ecological matters. The protection of species is enshrined in UDP Policy NC7.
3.9.2	The development proposal is supported by a Preliminary Ecological Appraisal. MEAS advise that the report is acceptable. However, MEAS did advise that further bat surveys would be required prior to determination. An emergence survey was subsequently submitted by the applicant and considered by MEAS who raised no objection subject to a condition requiring approval of a lighting scheme to avoid potential light overspill onto habitat.
3.9.3	The applicant submitted a Biodiversity Net Gain Design Stage Assessment report which has also been considered by MEAS.
3.9.4	The report shows proposed soft landscaping will lead to a 75% (1.3 units) net gain in area habitats and 69% (0.36 units) net gain in linear habitats. The Biodiversity and Ecological Management Plan also recommends bird nesting and bat boxes, as well as suggested locations and timing of installation, prior to occupation. There are no objections to the conclusion of the report subject to recommendations being secured via condition.
3.9.5	MEAS has carried out a Habitats Regulations Assessment (HRA) to assess likely effects on designated international sites. The Assessment concluded that, provided the measures outlined in the Construction Environment Management Plan are secured via condition, and a leaflet is made available to prospective occupiers advising them of the location of protected sites and alternative recreational areas, there would be no objection. MEAS advised that Natural England is consulted on the HRA who subsequently raised no objection to the proposal.
3.9.6	Finally, allowing the development proposal would necessitate the removal of 8 individual trees and 1 group of trees/shrubs. These trees are identified within the submitted Method Statement as; 3 No. Cherry, 1 No. Lime, 1 No. Alder, 1 No. Variegated poplar, 1 No. Silver Birch, 1 No. Horse chestnut and 1 No. group of shrubs. The specimens are considered to be of low to moderate quality and sit well within the development site and are currently only visible from Manor Lane and thus have a low visual amenity value. The trees which front out towards the promenade will be unaffected by the proposal.
3.9.7	The Council's adopted Tree, Hedgerow and Woodland Strategy advises that where development affects trees this should be fully justified through a specific arboricultural survey and replacement planting with equivalent or more species is required. The application proposes; 2 No. silver birch, 1 No. cherry and 1 No. bird cherry. However, the tree strategy would require the planting of in the region of thirty new trees. As the development sits within a larger site, there is space overall to plant sufficient replacement trees. As such, a condition is attached which requires details of tree planting to replace the trees to be removed, which accords with the Tree Strategy.
3.9.8	The proposal has been considered by MEAS and assessed against UDP Policy NC7 and the Council's adopted Tree, Hedgerow and Woodland Strategy and Policy WD 3 of the emerging Local Plan and subject to conditions is acceptable.

<b>3.10 Amenity</b>	
3.10.1	UDP Policy HS4 requires new residential development to provide adequate individual private or communal garden space to each dwelling. Adequate distances should also be made between habitable rooms in separate dwellings.
3.10.2	The Supplementary Planning Document provides a number of criteria for flat developments in order to ensure adequate levels of amenity for neighbouring uses and prospective occupiers. Proposals should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor should they be visually overbearing or dominant when viewed from adjoining property. Habitable room windows facing each other should be at least 21 metres apart. Main habitable room windows should be 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of a different ridge height a greater separation should be provided.
3.10.3	Proposals for new flat development should be in sustainable locations and accessible by a choice means of transport. High density developments should be within walking range of local services.
3.10.4	The application is supported by a Proposed Site Layout (drawing No. 5563_1201 Rev. B). According to this drawing, the development proposal would be constructed between 6.2 metres (measured at its closest point) and 7.2 metres (measured at its furthest point) behind the boundary with Manor Lane. The supporting drawing also includes numerical distances to the dwellings which would directly face the development proposal (Nos. 42 & 40 Caithness Drive) of at least 33 metres. Upon site inspection it was observed that two mature trees form part of the boundary treatment appearing to sit in the rear gardens of Nos. 38 & 42 Caithness Drive. These trees are shown on the Proposed Site Layout (drawing No. 5563_1201 Rev. B).
3.10.5	It is acknowledged that the occupiers of Nos. 38, 40 & 42 Caithness Drive would have visible views of the proposed building, however, given the proposal would exceed the interface distances referred to in paragraph 3.10.2 above, and the fact that the existing trees already provide a degree of enclosure to these dwellings there would be no significant adverse impact in terms of the building appearing overbearing or overshadowing their private rear gardens. There are also no habitable room windows orientated towards these dwellings and the proposal is acceptable on this basis.
3.10.6	The proposed development incorporates four first and second floor balconies across its rear elevation. According to the submitted floor plans (drawing No. 5563_1203 Rev. B), the balconies would be set in at least 7 metres from the north/north-western end of the building which sits back from Manor Lane approximately 6.2 metres (measured at its closest point) and 7.2 metres (measured at its furthest point) behind the boundary with Manor Lane (referred to in paragraph 3.10.4 above). The proposed balconies would not directly face the dwellings along Caithness Drive and would be approximately 42 metres from the rear of No. 34 Caithness Drive and approximately 24 metres from its rear boundary which features an intervening single storey garage. The proposal is considered an adequate distance between the dwellings along Caithness Drive so as to not result in significant overlooking and loss of privacy to warrant refusal on this basis.
3.10.7	The Environmental Health Officer has considered the development proposal and raised no objection. It is acknowledged that concerns have been raised around noise and air pollution as a result on the development proposal, however, the development site does not lie within an air quality management area which would trigger the need for an air quality assessment. Whilst 23 car parking spaces are proposed, there is already ample car parking around Nautilus House and noise and disturbance levels (engines firing up etc) are unlikely to be significantly worse than the existing arrangement.

3.10.8	In accordance with UDP Policy HS4, the SPD for flatted developments and Policy WS 7.2 of the emerging Local Plan, the proposal would exceed the interface distances prescribed and would provide adequate amenity space for prospective occupiers. In this respect the proposal is acceptable.
3.10.9	Finally, the proposed apartments would be a minimum of 61 sqm and a maximum of 69 sqm. The nationally prescribed space standards advises that single storey dwellings with 2No. bedrooms with 3No. bed spaces shall be a minimum of 61 sqm. The submitted drawings (No. 5563_1206) indicate that the apartments would feature one double bedroom and one single bedroom which would meet the nationally prescribed space standards. The Planning Statement also advises that the proposed apartments would be for retirees over 55 years of age but typically 75 years of age and are thus unlikely to be occupied by more than two people.

<b>3.11 Affordable Housing</b>	
3.11.1	The proposal comprises 27 residential units and this would usually trigger the need for an element of affordable housing provision. However, the proposed development would be allocated for affordable rent with a registered charity which provides housing for a very specific section of the community followings a needs-based assessment. The Housing Strategy Team have raised no objection to this approach advising that there is need for older person housing across the Borough and there is a need for an improved housing offer in this location. A condition has been imposed requiring the development to be occupied in accordance with the details in the submitted Planning Statement.

<b>3.12 Other Matters</b>	
3.12.1	Concerns have been raised about potential damage to surrounding property during the construction phase especially when foundations are dug. Structural issues are not material planning considerations and are controlled under planning legislation alongside other matters such as dust generation and hours of construction work.

<b>Summary of Decision</b>	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 development proposal for the demolition of Nautilus House and Mere Bank and the erection of mixed-use development comprising of twenty-seven two bedroom supported living apartments and 210sqm of office space is acceptable in principle. The proposal would not have a detrimental impact upon the character or appearance of the area or the amenity of surrounding occupiers. The Highways Engineer and Environmental Health Officer have raised no objection to the proposal. Whilst the proposal would lead to the loss of a number of trees, subject to conditions there would be net gains in biodiversity. The proposal would comply with UDP Policies HS4, HS15, GR5, GR7, TR9, the National Planning Policy Framework and Policies WS 7.1, WS 7.2, WS 7.4, WD 3, WS 3.1, WS 3.2 of the draft Local Plan and is recommended for approval.

**Recommended Decision:**

Conditional Approval

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority and listed as follows: 5563\_110 Rev. A, 5563\_1150 Rev. A, 5563\_1200 Rev. B, 5563\_1201 Rev. B, 5563\_1202 Rev. B, 5563\_1203 Rev. B, 5563\_1204 Rev. B, 5563\_1205 Rev. B, 5563\_1206 Rev. B, 5563\_1300 Rev. B, 5563\_1350 Rev. B, 5563\_1400 Rev. B, Arbtech TPP 01, Arbtech AIA 01 Rev. A, UG\_1423\_LAN\_GA\_DRW\_01 Rev. P03, UG\_1423\_LAN\_HL\_DRW\_02 P02, UG\_1423\_LAN\_SL\_DRW\_03 Rev. P02, UG\_1423\_LAN\_LSN\_DRW\_04 Rev. P01

Biodiversity Net Gain Design Stage Assessment

Construction Environment Management Plan: Biodiversity – Draft

HRA Screening Report

Preliminary Ecological Appraisal

Biodiversity Enhancement Management Plan

Arboricultural Survey

Arboricultural Method Statement Rev A

Transport Statement

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

3. No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area

4. The landscaping and planting shall be carried out in accordance with drawing Nos. UG\_1423\_LAN\_GA\_DRW\_01 Rev. P03, UG\_1423\_LAN\_HL\_DRW\_02 Rev. P02, UG\_1423\_LAN\_SL\_DRW\_03 Rev P02, UG\_1423\_LAN\_LSN\_DRW\_04 Rev. P01 and shall be completed within six months of completing the development

Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season

**Reason:** To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area

5. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number PAL-ZZ-00-DR-A-1201 Rev B. The parking and servicing areas shall be retained as such thereafter.

**Reason:** To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

6. Details of secure covered cycle parking and/or storage facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to occupation of the development hereby permitted and shall be retained for use at all times thereafter.

**Reason:** To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

7. The pollution control measures detailed in the Construction Environment Management Plan: Biodiversity – Draft shall be implemented in full for the entirety of the demolition and construction phase of development.

**Reason:** To protect European Sites from pollution during the demolition and construction phases of development

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

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Wirral Unitary Development Plan

9. No tree felling, 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 trees, 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:** To protect birds during their breeding season

10. The following Reasonable Avoidance Measures (RAMs) shall be undertaken during the construction phase:

1. Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians/mammals to move away from the affected areas;
2. 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 mammals/amphibians from seeking shelter or protection within them; and
3. Any open excavations (e.g. foundations / footings / service trenches etc) should have a means of escape
4. Exposed open pipe systems should be capped to prevent mammals/amphibians from gaining access

**Reason:** To protect amphibians/mammals during construction and to comply with Policy NC7 (Species Protection) in the Wirral Unitary Development Plan

11. Prior to first occupation of the development hereby approved, a "lighting design strategy for biodiversity" for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall: a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

**Reason:** To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan

12. A homeowner sales/information pack which highlights the location of, and promotes the use of, alternative recreational spaces within the area and explains the importance, sensitivities and vulnerabilities of protected European Sites to recreational impacts, shall be provided to every new home buyer for the development hereby permitted.

**Reason:** To protect European Sites from excessive recreational pressure

13. No development or demolition shall take place until the applicant or their agents, has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include the following five steps:

- A phased programme and methodology of site investigation and recording;

- A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
- Provision for appropriate publication and dissemination of the archaeology and history of the site;
- Provision for archive deposition of the report, finds and records of the site investigation; and
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI

**Reason:** : In order to preserve the special architectural or historic interest of the site and to accord with Policy CH25 of the Wirral Unitary Development Plan .

14. No development shall commence until the final detailed sustainable drainage design (that satisfies the terms of condition below) for the management and disposal of surface water from the site based on the principles and details identified in the following submissions has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Drainage Strategy Report, Mariners Park, Wallasey, Wirral / Varsion 01 / dated 15 September 2022 / ref: 221-071 / by The Alan Johnston Partnership
- MAR-AJP-ZZ-00-DR-C-1000 rev P01 dated 14 September 2022 – Outline Drainage Layout

Terms of Condition 14

Final Detailed Sustainable Drainage Design to comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include:

- Justification of final design
- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.
- Drawings to include:
  - Final layout of roads, buildings, finished floor levels, external levels and boundaries
  - Final layout of sewers; outfalls; SuDS; flow control details (must match flow control in calculations) hatched above ground storage areas with depths indicated
  - 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.
- Hydraulic modelling for final drainage strategy to include:
  - System performance for following return periods; 1, 30, 100 plus appropriate climate change allowance
  - Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event with a limiting discharge rate as stated in the above referenced drainage strategy
  - Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs



- Flow control device design calculations demonstrating compliance with limiting discharge rate as stated in the above referenced drainage strategy at the correct design head
- Volumetric runoff co-efficient (Cv) should be set to '1'
- Urban creep allowance of 10% should be applied in the design criteria
- Appropriate climate change allowance to be used, as per new guidance on climate change allowances

Timetable demonstrating completed SuDS construction prior to occupation

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework.

15. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site and that maintenance arrangements are in place to ensure an acceptable standard of operation for the lifetime of the development in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework

16. The development hereby approved shall be occupied in accordance with details within the Planning Statement unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt 27 units shall be reserved for occupiers over 55 years of age.

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

17. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report - Dated 15.09.2022 which was prepared by AJP. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

18. Before the construction of development above ground level, details of proposed new tree planting in line with the Council's adopted Tree, Hedgerow and Woodland Strategy shall be submitted to and agreed in writing with the Local Planning Authority. The replacement trees must be planted in the first planting season after completion of the development. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season.

**Reason:** In the interests of visual amenity and in accordance with the Tree, Hedgerow and Woodland Strategy 2020-2030

19. The office shown on drawing No. 5563\_1205 Rev. B shall be used for Class E(g)(i) and for no other purpose, including any within Class E; of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

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

**Informatives**

A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developer's expense, to the LA specifications and written approval. For further details contact Highways & Infrastructure, area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk)

<b>Last Comments By:</b>	
<b>Expiry Date:</b>	20-June-2022

## 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.