

Planning Committee

14 January 2021

Reference:
APP/19/01177

Area Team:
**Development
Management Team**

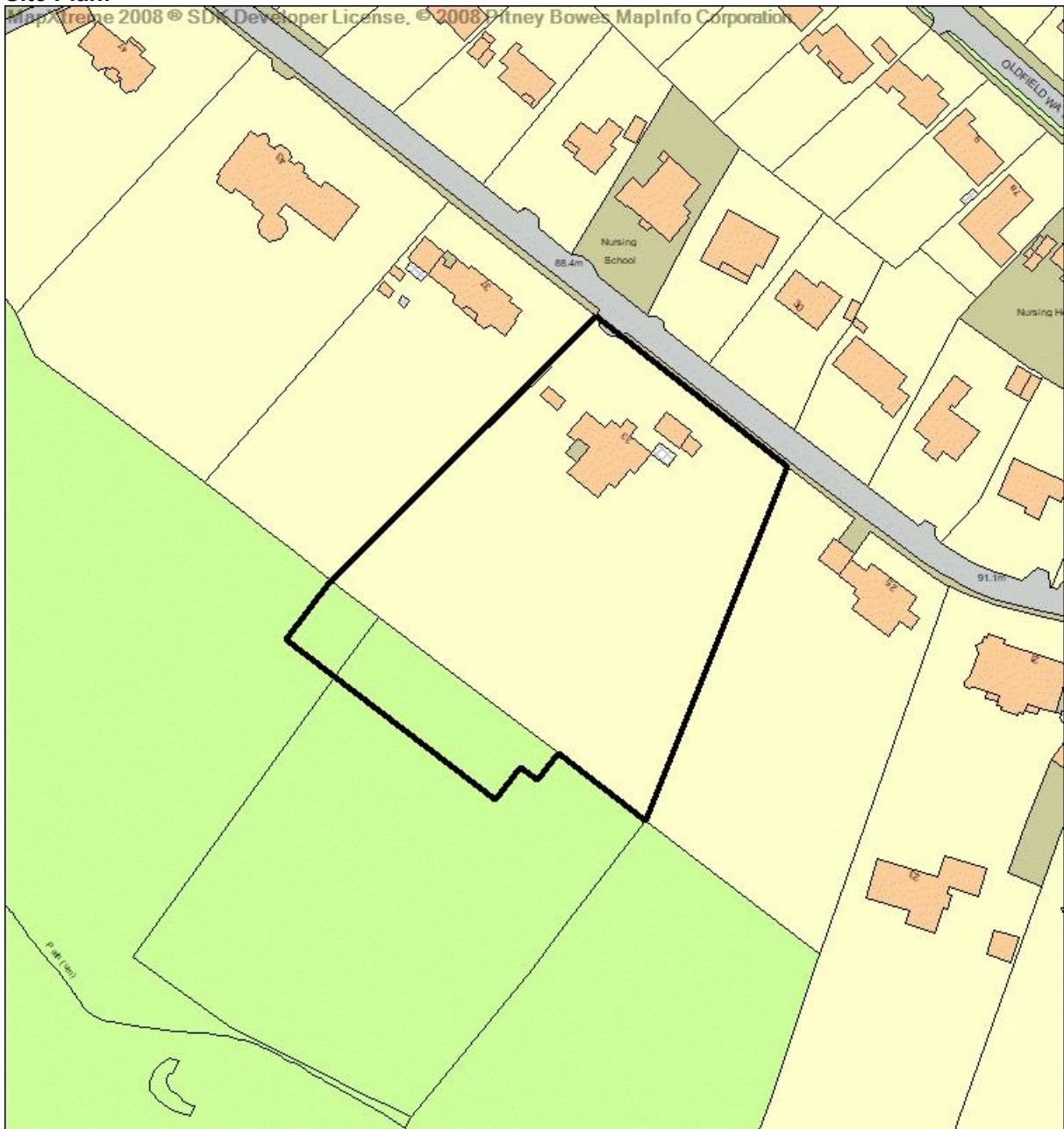
Case Officer:
Mr A Siddall

Ward:
Heswall

Location: Willowbank, 33 OLDFIELD ROAD, HESWALL, CH60 6SN
Proposal: Erection of three 5-bedroom detached dwellings with associated access, parking and landscaping.
Applicant: Mr & Mrs Bates
Agent: SHACK Architecture Ltd

Qualifying Petition: No

Site Plan:



© Crown copyright and database rights 2019 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Development Plan designation:

Area of Special Landscape Value
Urban Greenspace
Primarily Residential Area
Site of National Importance for Nature Conservation

Planning History:

Location: Sheildaig, 33 Oldfield Road, Heswall, Wirral, CH60 6SN
Application Type: Full Planning Permission
Proposal: Erection of a two-storey extension.
Application No: APP/99/05911
Decision Date: 15/07/1999
Decision Type: Approve

Location: Sheildaig, Oldfield Road, Heswall. L60 6SN
Application Type: Full Planning Permission
Proposal: Side extension at first floor and alterations to front elevation.
Application No: APP/94/06724
Decision Date: 05/01/1995
Decision Type: Approve

Location: Sheildaig, 33 Oldfield Road, Heswall, Wirral, L60 6SN
Application Type: Full Planning Permission
Proposal: Erection of two storey and first floor side extensions and front alterations.
Application No: APP/97/06465
Decision Date: 04/11/1997
Decision Type: Approve

Location: Sheildaig, 33 Oldfield Road, Heswall, Wirral, CH60 6SN
Application Type: Full Planning Permission
Proposal: Two storey outbuilding incorporating double garage, garden stores, greenhouse and dog kennel.
Application No: APP/00/05158
Decision Date: 07/03/2000
Decision Type: Approve

Location: Willowbank, 33 Oldfield Road, Heswall, Wirral, CH60 6SN
Application Type: Full Planning Permission
Proposal: Erection of a detached building at the front to provide guest accommodation.
Application No: APP/02/05966
Decision Date: 26/02/2003
Decision Type: Approve

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

- 1.1 Councillor Les Rowlands requests that this application be taken out of delegation and reported to Planning Committee, citing concerns around the impact of the development on the Heswall Dales, in particular the visual impact on the Dales and conflict with its status as an Area of Special Landscape Value under saved Unitary Development Plan policies HS4, LAN1 and LA1.

2.0 SUMMARY OF REPRESENTATIONS

Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to seven neighbouring properties on 12 August 2019. The deadline for receipt of representations passed on 02 September 2019. Following submission of information relating to the interface of development with the SSSI and the habitat restoration proposals a further round of public and stakeholder consultation was initiated in

October 2020 with the deadline for responses passing on 01 November 2020.

2.1 REPRESENTATIONS

To the first period of public consultation, two individual letters of objection were received, along with an objection received from the Heswall Society. The individual objections cite the following material planning considerations:

1. The scheme represents overdevelopment of the plot and results in a detrimental change in the character of Oldfield Road;
2. The scheme does not provide enough car parking commensurate with the scale of the houses;
3. Construction vehicles will obstruct Oldfield Road to the detriment of highway and pedestrian safety;
4. Development would be harmful to the visual amenity, and biodiversity value of the Heswall Dales;
5. The application was not adequately publicised;
6. There is a lack of detail on the potential disruption caused by construction, the drainage and sewerage proposals, the landscaping of the site and the visual appearance of the alterations to the stone wall adjacent Oldfield Drive.

The Heswall Society objects on the basis that the development would be visually prominent from the Heswall Dales with no other dwellings sited so close to the boundary. This would be harmful to visual amenity and reduce the sense of isolation when within the Dales. The submission of a landscape and visual impact appraisal from within the Dales does not overcome these concerns.

To the second period of public consultation a further individual objection was submitted along with further objections from the Heswall Society and the Friends of Heswall Dales. The comments raised can be summarised as follows:

1. Development encroaches into the Heswall Dales SSSI and is not in the interests of protection of the habitat within the SSSI. All development, including gardens, should be located wholly outside the SSSI boundary,
2. It is not appropriate, nor practical, for domestic gardens to be considered part of the SSSI buffer zone.
3. The buffer zone proposals are inadequate and there is doubt that the long-term management of the buffer can be adequately secured, leading to the buffer being neglected over time, resulting in the habitat degrading once again.

2.2 CONSULTATIONS

Environmental Health - No objection;

Highways - No objection;

Merseyside Environmental Advice Service (MEAS) - recommends conditions to protect the integrity of Heswall Dales SSSI and wider biodiversity interests;

Natural England - Initial objection on the basis of harm to the interest features of the Heswall Dales SSSI lifted following submission of SSSI Landscape restoration and management proposals. Conditions will be required to secure this.

United Utilities - Issue their standing advice relating to surface water disposal, sewerage and provision of a water supply;

Wirral Wildlife - Initially offered no objection, recommending conditions to secure biodiversity protection. Response changed to objection on second round of public consultation on the basis of harm to the integrity of the Heswall Dales SSSI and doubt that the long-term management of the SSSI area within gardens will be enforceable, leading to a loss of control over the management of the land and degradation in the habitat over time.

3.1 Site and Surroundings

3.1.1 The application site comprises the domestic garden to the side and rear of 33 Oldfield Road, a substantial detached dwelling in generous grounds situated to the south west of Oldfield Road within the wider primarily residential area of Heswall. This part of Oldfield Road is characterised by individually designed detached dwellings with those to the south west side in larger plots and with a much lower density of development than those to the north east side. The highway has an enclosed character with dwellings screened behind walls and fences with number 33 largely hidden due to the general fall in ground levels from east to west as land drops towards the Dee estuary. This drop in ground level across the site is significant, with the rear boundary of the site being approximately 14 metres lower than highway level to the front. To the rear, the site backs onto, and sits partially within, the Heswall Dales Site of Special Scientific Interest (SSSI), designated for its rare lowland heath habitat. There is some tree cover to the southern part of the site, with all trees protected as area A1 of Tree Preservation Order EM203, although the most significant are Pines towards the south eastern boundary. To either side of the application site are the equally substantial gardens of 25 and 37 Oldfield Road.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the development of three dwellings to the rear of number 33. The dwellings will be detached, set over two storeys, contain 5 bedrooms and be finished externally in brick and render with hipped tiled roofs. Integral double garages will be provided in addition to driveway parking. They will have open plan front gardens and enclosed rear gardens backing onto the SSSI. Part of the gardens to two of the three proposed dwellings will fall within the SSSI boundary. A private drive will be formed of 4.5 metre width with a pavement to its southern side which will lead off Oldfield Drive and will be cut into the existing stone wall. A replacement splayed stone wall will be provided with piers for vehicular and pedestrian gates. a refuse bin enclosure will be provided behind the wall and a turning head at the rear of the site. An existing tennis court and ancillary buildings will be removed, and it is envisaged that the significant pine trees to the southern part of the site will all be retained. A new boundary to the smaller, retained garden area of number 33 will be constructed.

3.3 Development Plan

3.3.1 The majority of the site is designated as part of the Primarily Residential Area in the Unitary Development Plan and is subject to UDP Policies HS4 and HS10. The remaining part at the rear of the site is designated as part of the Heswall Dales Site of Special Scientific Importance (SSSI), Urban Green Space and Area of Special Landscape Value (ASLV) where UDP Proposal NC4 and Policies NC3, NC7, GRE1, GR1, LAN1, LA1 and Proposal LA2 are applicable.

Proposals for new housing development within the Primarily Residential Areas shown on the Proposals Map are permitted subject to the proposal fulfilling all the following criteria within saved UDP policy HS4:

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

(vii) the provision of adequate individual private or communal garden space to each dwelling.

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

As this application is for less than 35 dwellings, criterion (vi) for public open space and play areas does not apply.

- 3.3.2 The development forms 'backland' development and will be subject to the provisions of saved UDP policy HS10 in addition to policy HS4. This seeks to ensure adequate garden space for both the existing and proposed dwellings, adequate parking and turning space, an access drive of sufficient width that does not have a seriously detrimental impact on the street scene or on highway safety, and that the scheme does not result in a detrimental change in the character of the area or have an adverse effect on neighbouring amenity.
- 3.3.3 Saved UDP policy GR5 seeks to ensure that full landscaping proposals are submitted with applications in order to secure the protection and enhancement of visual amenity. Saved UDP policy GR7 seeks to ensure trees on development sites are considered during the application process and advises that the LPA will seek to substantially preserve the wooded character of a site or the surrounding area, provide for the protection of trees of greatest visual or wildlife value (or other vigorous healthy trees), ensure that retained trees have adequate space to prevent damage to the canopy or root structures, and protect trees on adjacent land which may be affected by development, amongst other considerations.
- 3.3.4 UDP Policy NC3 indicates that development proposals likely to affect, either directly or indirectly, sites of national importance for nature conservation will be subject to special scrutiny and will not be permitted unless it can be demonstrated that the reasons for the development clearly outweigh the nature conservation, or earth science value of the site, and the national policy to safeguard the network of such sites. Where such proposals are to be approved, the Local Planning Authority will need to be satisfied that
- i) the development is sited and designed in such a way to conserve the integrity of the site
 - ii) adequate provision has been made to minimise the potential for damage to any part of the site during construction and after the development becomes occupied, and
 - iii) adequate measures have been taken in order to secure compliance with these requirements and, where appropriate, to provide for the reinstatement of damaged areas.
- 3.3.5 UDP Policy NC7 makes it clear that development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/ or planning obligations.
- 3.3.6 Under UDP Policies LAN1 and LA1, the Local Planning Authority is to have regard to the visual impact on the local and wider landscape and protect the character and appearance of areas designated as Areas of Special Landscape Value from the adverse effects of development. Proposals are not permitted where their visual impact would be inappropriate, and which would:
- (i) introduce new intrusive development within an otherwise open setting, especially along a prominent skyline or along the undeveloped coast; or
 - (ii) result in the loss or erosion of distinctive landscape features, such as woodlands, hedges or trees, without appropriate replacement provision; and
 - (iii) other proposals which, in terms of their siting, scale, form and external appearance, would detract from the appearance of the Area or intrude within important views into or out

of the Area.

- 3.3.7 The boundary of the Heswall Dales Urban Greenspace aligns with the SSSI boundary in this location and therefore the site falls partially within this area and proposals are subject to the requirements of UDP Policies GRE1 & GR1. Policy GRE1 provides protection for areas of visual importance to the locality or wider area (with or without direct public access) and Policy GR1 in this case would prevent development, other than the re-use of existing buildings, unless alternative provision of equivalent community benefit is made available. Amongst the intrinsic values to be specifically protected are importance for wildlife, visual amenity and landscape character. Further consideration of the relevance of this policy to the proposed development is given in section 3.6 of this report.
- 3.3.8 Saved UDP policy TR9 states that in assessing the off-street parking provision associated with new development proposals, the Local Planning Authority will be guided by the following considerations:
- (i) the contribution of the proposal in supporting the general locational policies of the UDP;
 - (ii) the impact on the competitive position of urban centres;
 - (iii) the availability in the locality of alternative modes of transport;
 - (iv) the operational minimum and maximum level of car parking requirement associated with the proposed development;
 - (v) road safety and traffic management issues in the locality of the proposal; and
 - (vi) the likelihood of cars being parked on residential roads.

3.4 Other Material Planning Considerations

- 3.4.1 The National Planning Policy Framework (NPPF) indicates that the purpose of the planning system is to contribute to the achievement of sustainable development so that opportunities to secure net gains across economic, social and environmental protection can be taken. There is a presumption in favour of sustainable development. For decision taking this means approving proposals that accord with an up-to-date development plan without delay (paragraphs 7, 8 & 11 refer). The most important development plan policies for determining this planning application are considered to be up to date in terms of their consistency with NPPF.
- 3.4.2 In terms of achieving appropriate densities, NPPF paragraph 122 provides support for efficient use of land taking account of the desirability of maintaining an area's prevailing character and setting and the importance of securing well designed, attractive and healthy places. Paragraph 123 goes on to state 'where there is an existing or anticipated shortage of land for meeting identified housing needs it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site'.
- 3.4.3 The National Planning Policy Framework (NPPF) at Section 12 seeks to achieve well designed places. In particular, paragraph 127 advises planning authorities that developments should: function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users, amongst other matters. Paragraph 130 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 3.4.4 The NPPF advises at paragraph 170 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, or soils in a manner commensurate with their statutory status or identified quality in the development plan;
- minimise impacts provide for net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

NPPF paragraph 175 confirms that development within or outside of a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity

3.4.5 Paragraph 108 of the NPPF seeks to ensure that applications for development take appropriate opportunities to promote sustainable transport modes, given the type of development and its location, ensure safe and suitable access to the site can be achieved for all users and any significant impacts on the transport network (in terms of capacity or congestion), or on highway safety, can be mitigated to an acceptable degree. Paragraph 109 makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network will be severe.

3.5 Assessment

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

- The Principle of Development;
- Design and effect on the character of Oldfield Road;
- The visual impact of development on the Heswall Dales;
- Residential Amenity;
- Highways and Transport;
- Biodiversity and the Heswall Dales SSSI:
- Trees;
- Other Material Considerations

3.6 The Principle of Development:

3.6.1 This site falls predominantly within a Primarily Residential Area where the construction of new housing is acceptable in principle subject to the requirements of UDP Policies HS4 and HS10. Protection for the Heswall Dales Site of Special Scientific Importance (SSSI), the Urban Green Space and the Area of Special Landscape Value is provided through UDP Policies NC3, NC7, GRE1, GR1, LAN1, LA1 and Proposal LA2

NPPF

The NPPF is a material consideration in planning decisions. There are three objectives to sustainable development: Economic, Social and Environmental which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains. The construction of three dwellings would have a modest social benefit in making a small contribution to addressing the current shortfall in housing land supply within the Borough, and a similarly modest economic benefit through the construction supply chain and the spending power of potential residents within the region. , The question to be asked in this assessment and considered by members is whether there is any harm to the Heswall Dales SSSI that

provides a 'clear reason' for refusing the development having regard to UDP Policy NC3 and NPPF paragraph 175. Or, if there is not such harm to the SSSI, whether there is any other harm that outweighs the benefits of development and the requirements of the relevant policies in the UDP. If not, then planning permission should be granted. The impacts on the SSSI, Urban Greenspace, landscape and biodiversity are discussed below.

3.7 Design and the Character of Oldfield Road

3.7.1 Oldfield Road is an established residential area of predominantly detached dwellings set back from the highway behind high walls, fencing or hedging. These boundaries result in a sense of enclosure to the highway but the dwellings themselves are located in reasonably spacious plots. Those dwellings to the lower, south west side of the road are constructed at a much lower density than those to the higher north east side. Whilst those dwellings fronting the highway are largely visible in the street scene, the existing examples of backland development to the south west are similarly low density and, due to the sharply falling land levels towards the Dee estuary and tree cover, do not have an appreciable visual impact from the highway. The three proposed dwellings to the rear of number 33 will have a similarly limited visual impact from the street scene due to their significant setback and set down and will not materially change the character of Oldfield Road which will remain characterised by secluded, spacious dwellings.

3.7.2 The construction of three dwellings will increase the density of development to the south west side of Oldfield Road. The domestic land of the 10 dwellings fronting this section of the highway adjacent to the Heswall Dales cover an area of approximately 4 hectares which gives an approximate density of 2.5 dwellings per hectare. Adding a further three dwellings would change this to approximately 3.3 dwellings per hectare, still very low. By contrast the 18 dwellings covering the same street frontage to the north east side of the highway cover an area of approximately 1.6 hectares giving an overall density of approximately 11.3 dwellings per hectare. There will remain a substantial difference between the two sides of the road and therefore the scheme has the potential to integrate successfully in respect of density and form.

3.7.3 Officers are also mindful that the Council does not have a five-year housing land supply and, in this context, the NPPF is clear that planning decisions should avoid homes being built at low densities and ensure that development makes optimal use of the potential of this site. With other site-specific constraints being considered including the proximity of the SSSI, protected trees and the landscape impact of the site, the construction of three detached dwellings (down from the five originally proposed to Officers in 2018) is considered to balance the site constraints and make optimal use of the site whilst respecting the character of the neighbourhood and making a positive contribution to the Borough's housing land supply.

3.7.4 The design of the dwellings themselves is acceptable. They are consistent in form and external appearance with only minor variations between them and overall ridge heights of approximately 9 metres. In terms of their footprint and scale they are not oversized and are smaller overall than the existing frontage dwellings to the south west of Oldfield Road. The external materials of brick and render with tiled hipped roofs are reasonably neutral, with larger areas of glazing to the rear taking advantage of views towards the Dee. They will relate well to surrounding properties in terms of form and external appearance. As such, the design and external appearance of the dwellings, and their scale and layout, does not have a detrimental effect on the character of Oldfield Road in compliance with the requirements of the UDP and NPPF policies seeking to ensure development is sympathetic to local character.

3.8 Impact on Landscape and Greenspace

3.8.1 The Heswall Dales forms part of a wider Area of Special Landscape Value and the LPA will seek to protect the character of these areas from the adverse effects of development. This includes preventing new, intrusive, development that would detract from the appearance of the area or important views into, or out of, the area. Whilst there is a sense of openness from within the Dales there is also an appreciation that the open space is within a wider

urban area and from many areas within the Dales the presence of surrounding houses is appreciable, albeit filtered by trees and other vegetation. Whilst the proposed dwellings will be more visible than the existing houses on Oldfield Road due to their proximity, the existing houses are not screened entirely and the proposed houses will still be seen against a backdrop of existing housing, and still filtered, to an extent, by trees and vegetation. A detailed landscaping scheme for the site can be secured by condition which will expect tree and hedge planting to be carried out within the site to further soften the appearance of the dwellings over time. For this reason, Officers consider that the proposed development will not be so intrusive into the wider character of the Heswall Dales to warrant a refusal of planning permission having regard to the objectives of UDP Policies LAN1 and LA1.

3.8.2 The objective of UDP Policies GRE1 is to ensure that the loss of existing greenspace is not permitted unless the Local Planning Authority is satisfied that the local supply of recreational and amenity open space remains adequate. Greenspace can include parks, woodlands, as well as individual trees, hedges, private gardens and other features. In this particular case the new building would be located with the Primarily Residential Area and the existing greenspace would be retained and used for habitat restoration. This part of the proposal, is considered acceptable, having regard to Policies GRE1 and GR1.

3.8.3 It should be noted that the Council's 1997 aerial photography indicates this land was part of the curtilage of number 33 at that time.

3.9 Residential Amenity:

3.9.1 The proposed dwellings provide a high standard of amenity for future occupiers in terms of internal layout, outlook and outdoor amenity space. The separation distances between the existing and proposed dwellings still comfortably exceed minimum separation distances when taking into account the 6-metre vertical level difference between the floor levels of the existing and proposed houses. As such there is no harmful intervisibility between the proposed dwellings and between the proposed and existing dwellings. The existing dwelling retains adequate rear garden space for its size and the new access drive is appropriately separated from existing windows (by approximately 8 metres) to ensure that noise and disturbance from vehicles will not be so harmful to be detrimental to residential amenity in planning terms. Two of the three dwellings are sited close to the side boundaries; however, the layout of these dwellings and the substantial scale of the neighbouring gardens ensure that the presence of the new houses will not lead to a harmful loss of privacy, or any overshadowing or overbearing effect for existing neighbours.

3.10 Highways and Transport:

3.10.1 The application is accompanied by a highways technical note which confirms that, through a radar speed survey, that the wet weather 85th percentile speed of vehicles passing the site is 25mph northbound and 26mph southbound. This allows for visibility splays of 2.4 metres by 32 metres to the north and 31 metres to the south through splaying the existing boundary wall. This conclusion does not attract an objection from the Local Highway Authority and therefore it is concluded that the vehicular access taken at this point will not cause unacceptable highway safety issues. With the proposal being for only three dwellings, the scheme will not generate traffic to result in any severe impact on the local road network. The access road itself will be of 4.5 metres width, allowing vehicles to pass, with a 1.2m wide footway to its south side allowing safe pedestrian access. A turning head is provided within the site allowing vehicles to enter and leave in a forward gear. A refuse store will be provided at the public highway to avoid the need for refuse vehicles to enter the site.

3.10.2 Parking is provided within the curtilage of each dwelling in excess of the Council's maximum parking standards of 2 spaces per dwelling, with each dwelling providing 4 to 5 spaces through a combination of garage and driveway parking. The garages are suitably scaled to accommodate two cars. As such, the development will accommodate its own parking demand without vehicles needing park on the public highway. Construction vehicle access and parking can be detailed by condition, through a Highways Construction Management Plan which will manage construction phase vehicles to prevent any prolonged obstruction of the highway or access to neighbouring properties and does not need to be

determined at this stage. Officers consider the scheme to comply with policies HS4, HS10 and TR9 in respect of highways, access and parking.

3.11 Biodiversity and the Heswall Dales SSSI:

- 3.11.1 Effect on the interest features of the SSSI - The application site partially sits within the Heswall Dales SSSI and on submission attracted an objection from Natural England on the basis of the loss of (albeit degraded) lowland mixed deciduous woodland and sub-alpine dwarf shrub heath habitat as a result of development, habitat for which the SSSI has been designated. Since that time, Natural England have had on-going discussions with the applicant and carried out investigations to clarify the extent of the SSSI boundary and the habitats for which the SSSI has been designated. Natural England are unable to confirm that the existing tennis court, which partially sits within the SSSI was not in place at the time of designation and therefore they accept that development within this area would not affect the special interest of the SSSI. Development on land beyond the tennis court could have the potential to harm the interest features, however it is noted that the habitat is degraded and forms part of a domestic garden. Subject to this land within the domestic gardens being landscaped and maintained in such a way to improve the quality habitat, and the adjacent land (outside gardens but within the blue line ownership of the applicant) being restored, Natural England have lifted their objection.
- 3.11.2 A Landscape Habitat Restoration Plan has been submitted along with indicative landscape proposals which set a series of principles which will be subject to further detail reserved by condition. The proposals provide for a net increase in heather cover by approximately 440 square metres and in dry heathland grass sward by approximately 560 square metres. Only native plant species agreed with Natural England will be planted within the SSSI portion of the gardens. Access to the Dales will remain unchanged and unattractive and incompatible landscape features such as non-native cypress hedge will be removed. Plans will be put in place for the on-going monitoring of the success of the habitat generation.
- 3.11.3 Subject to these principles, Natural England are satisfied that appropriate plans can be put in place for habitat restoration as part of the development and that there will be no further damage to the SSSI as a result of the development. Subject to pre-commencement conditions requiring the landscape restoration principles to be set out in detailed plans, and a Construction Environmental Management Plan being submitted to include measures to protect the SSSI during construction works, Natural England have lifted their objection. A prior to occupation condition will require a Homeowner Information Pack to be produced which will provide details on the SSSI habitats, the requirement for on-going maintenance and management work, the requirement for consent from Natural England, and specific details on the planting restrictions applicable to the garden areas within the SSSI boundary.
- 3.11.4 On this basis, the scheme has the potential to improve the quality of the habitat in this part of the SSSI, and the application will comply with the objectives of saved UDP policy NC3. The integrity of the SSSI can be conserved, adequate provision can be made through the CEMP to minimise the potential for damage during construction, and the scheme makes provision for the restoration of damaged areas. As such, the application also meets NPPF paragraph 175(b) as it is no longer likely to have an adverse effect on the SSSI. Members are further advised that the consent of Natural England themselves is required for on-going work within the SSSI and this will apply to the future management and maintenance of the areas of the site that fall within the SSSI. This additional layer of control provides further security over the future condition of the habitat.
- 3.11.3 Other Biodiversity considerations - The application is accompanied by a comprehensive suite of biodiversity assessments and statements which have been considered by MEAS. There are no site-specific matters relating to protected species that would warrant refusal of the application, but conditions are required to avoid harm to biodiversity and provide enhancements, in accordance with paragraph 175 of the NPPF. The site provides suitable foraging and commuting habitat for bats and therefore a scheme of external lighting will need to be required by condition to ensure that the external lighting design pays suitable regard to the presence of bats. The site is also suitable habitat for common lizard, common toad and hedgehog, which are priority species and therefore a condition securing

reasonable avoidance measures to avoid harm during the construction phase will be required. The site contains invasive plant species, and these will require appropriate removal in accordance with the measures contained within the Biodiversity Enhancement document. Finally, the landscaping plan should incorporate locally distinctive species, and species that encourage foraging by birds, bats and insects. Subject to these measures being adopted the scheme will reasonably avoid harm to on-site biodiversity interests in accordance with saved UDP policy NC7.

3.12 Trees:

3.12.1 The application is accompanied by an Arboricultural Assessment which considers the health and amenity value of trees across the site. The significant individual specimens, and groups of Pine trees to the south eastern part of the site make a positive contribution to the character and appearance of the area and should be retained in any development proposals. The development of the site largely avoids any encroachment into the root protection areas of the significant trees and the limited incursion in the vicinity of plot 3 is less than the 20% recommended maximum. Those areas where construction activity is likely to take place can be protected through the use of ground protection and RPA fencing, as indicated on the tree protection plan. The access road intrudes to a greater extent into the RPA of trees 2, 3 and 4, however in this location the access road will be subject to engineering solutions to avoid an adverse impact on the RPA, This will either be a bridge to span the difference in ground levels or a continuation of the embankment which in this area would be supported on a concrete raft. Both options will require limited piled foundations that reduces the intervention in the RPA to less than 20%. On this basis and noting that the principal outlook from all three dwellings is not restricted by trees, Officers consider that the development and the existing trees can coexist, and they can continue to screen and soften the new housing. Conditions will be required to ensure the tree protection plan and arboricultural method statement is followed, that details of the engineering solution for the access road are agreed, and that suitable new tree planting is provided to secure succession, and longer-term softening of built form. Consequently, the application complies with the objectives of saved UDP policy GR7.

3.13 Other Material Considerations:

3.13.1 Foul and Surface Water Drainage - The application is accompanied by a sustainable drainage assessment with infiltration testing. This confirms that ground conditions are suitable for surface water infiltration drainage via soakaways within the rear gardens and therefore surface water can be managed in accordance with the sustainable drainage hierarchy. Foul drainage will require pumping to the public sewer within Oldfield Road and this is identified on the proposed foul and surface water drainage plan. There is no evidence to suggest that the surface water drainage proposals will increase the risk of surface water flooding for others, or that the capacity of the sewer network cannot accommodate a further three dwellings in this location.

3.13.2 Application Publicity - The application was publicised in accordance with the Council's published guidance with neighbour notification letters sent to all properties that share a boundary with the application site and those directly opposite. The application does not meet the criteria for the posting of a site notice and as it is not significant major development it does not justify a wider mailing of notification letters beyond the immediate neighbours.

Summary of Decision:

Having regards to the individual merits of this application it is recommended that Planning Permission be granted 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 scheme comprises the acceptable development of three detached dwellings in a sustainable and accessible location. The proposals main the prevailing low-density residential character of the area and will not have an adverse effect on the visual and landscape amenity value of the Heswall Dales. The impact of the scheme on the Heswall

Dales SSSI has been thoroughly assessed by Natural England and, subject to conditions, no adverse effect on the interest features of the SSSI will occur and a degree of restoration of degraded habitat will be achieved. There are no other adverse impacts on biodiversity, protected trees, residential amenity or highways that would significantly or demonstrably outweigh the benefits of development. As such, the application complies with the relevant requirements of the development and comprises sustainable development under the terms of the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

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

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

2. Unless modified by other conditions of this consent, the development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22 September 2020 and listed as follows:

SHACK373 B102 Revision C (Proposed Site Plan)
SHACK373 B103 Revision B (House Type 1A)
SHACK373 B104 Revision C (House Type 1B)
SHACK373 B105 Revision B (House Type 2)
SHACK373 B106 Revision B (Context Elevation)
SHACK373 B107 Revision B (Site Sections A-A and B-B)
SHACK373 B108 Revision B (Site Sections C-C and D-D)

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

3. PART A

No development shall commence (to include demolition and site clearance) until further revisions to the submitted Landscape Habitat Restoration Note and Landscape Proposals General Arrangement Plan have been submitted to and approved in writing by the Local Planning Authority. Such revisions shall make provision for:

i) Amendment to the Landscape Restoration proposals insofar as they relate to land to the rear of plot 4 to ensure that the domestic garden area of plot 4 does not extend beyond the red line boundary of the application site and to ensure a defensible boundary is erected between the domestic garden of plot 4 and land within the Heswall Dales SSSI which does not allow access between plot 4 and the SSSI, and

ii) Confirmation of timing for the implementation and completion of the Landscape Habitat Restoration Scheme.

Thereafter development shall be carried out in accordance with the approved Landscape Habitat Restoration Note and Landscape General Arrangement Plan.

PART B

Within one month of completion of the Landscape Habitat Restoration Scheme a verification report shall be submitted for the approval in writing of the Local Planning Authority. Such report shall include a photographic schedule of the works carried out, demonstrate how the works carried out have complied with the scheme approved under Part A of this condition, set out a schedule of on-going management and maintenance

works required to maintain the habitat in a favourable condition for the following 12-month period, and set out the timescale for carrying out the work.

Thereafter the works shall be carried out in accordance with the approved details.

PART C

On the first anniversary of the submission of the verification report under Part B, and on every anniversary thereafter for a period of a further four years, a Landscape Habitat Management Annual Monitoring Report shall be submitted for the approval in writing of the Local Planning Authority. Such report shall:

- i) Assess the condition of the Landscape Habitat Restoration Area (to include a photographic schedule),
- ii) State the management and maintenance works that have been carried out over the preceding 12 months,
- iii) Set out a schedule of management and maintenance works required to maintain the habitat in a favourable condition over the next 12-month period, and
- iv) Set out the timescale for carrying out the work.

Thereafter the works shall be carried out in accordance with the approved details.

Reason - To avoid an adverse effect on the interest features of the Heswall Dales Site of Special Scientific Interest in accordance with the requirements of saved policy NC3 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

4. No development shall commence (to include demolition and site clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the specific measures required to protect the Heswall Dales Site of Special Scientific Interest during the construction period. Thereafter development shall be carried out in accordance with the approved plan.

Reason - To avoid harm to the interest features of the Heswall Dales SSSI in accordance with the objectives of saved policy NC3 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

5. No dwelling shall be occupied until a Homeowner Information Pack has been submitted to and approved in writing by the Local Planning Authority. The information pack shall provide details on the Heswall Dales SSSI and its habitats, and the requirements for on-going management and maintenance work on their land. In particular the Information Pack shall, amongst other requirements:

- i) Contain the detailed planting proposals for the restoration area section of their garden.
- ii) Set out the list of approved species for replacement planting in the restoration area section of their garden,
- iii) Set out a list of invasive species that should not be planted anywhere on their property, and
- iv) Make specific reference to the restricted access to the Dales.

Thereafter the Information Pack, as approved, shall be issued to occupiers of the development.

Reason - To avoid an adverse effect on the interest features of the Heswall Dales Site of Special Scientific Interest in accordance with saved policy NC3 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

6. No development shall commence until detailed engineering drawings of the site access

road, comprising plans and sections drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority. Such drawings shall demonstrate the engineering solution to be adopted to span the Root Protection Areas of protected trees where they conflict with the line of the access road. Thereafter the access road shall be constructed in accordance with the approved details and completed prior to first occupation of any dwelling hereby approved.

Reason - In the interests of the health and amenity value of protected trees and to ensure safe and suitable access is provided to the dwellings prior to their occupation.

7. No development shall commence until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. For each phase of development, the plan shall demonstrate:

- i) Location(s) for the parking of vehicles of site operatives and visitors clear of the public highway,
- ii) Location(s) for the loading, unloading and storage of plant and materials used in construction of the development,
- iii) Measures to prevent the deposit of mud/grit/dirt on the public highway, with wheel washing facilities where appropriate, and
- iv) Management, routing and control of HCV construction traffic.

Thereafter development shall be carried out in accordance with the approved plan.

Reason - In the interests of highway safety and amenity.

8. No other plant or materials shall be brought onto site until tree protection fencing and ground protection has been installed around all trees to be retained as part of the development in accordance with the submitted tree protection plan and tree protection method statement (Tree Solutions Arboricultural Consultants 'Arboricultural Impact Assessment and Method Statement' dated June 2019 reference 19/AIA/WIRR/46).

Thereafter development shall be carried out in accordance with the approved details and all fencing and ground protection shall be retained until development subject to this consent is complete. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, disposal of liquids, or lighting of fires within any area fenced off as part of the tree protection plan and method statement.

Reason - In the interests of the health and amenity value of protected trees, to accord with the objectives of saved policy GR7 of the Wirral Unitary Development Plan.

9. No development above ground floor slab level shall take place until samples of the external walling and roofing materials to be used in the construction of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.

Reasons - In the interests of visual amenity and to maintain the character of the area in accordance with saved policies HS4 and HS10 of the Wirral Unitary Development Plan.

10. No development above ground floor slab level shall take place until a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address those areas of the site outside the SSSI Landscape Restoration Areas managed under condition 3 of this consent and it shall be informed by the West Wirral Heathlands and Arrowe Park Nature Improvement Area. The scheme shall demonstrate:

- i) The materials to be used in hard and soft surfacing,
- ii) The planting of trees, shrubs and hedgerow species of local provenance with details of the species, location, number, stock size and planting densities,

- iii) Details of the type, size and external appearance of any gates, fences, walls or other means of enclosure, and
- iv) The timing of implementation of the scheme.

When considering species for tree, shrub and hedge planting, consideration should be given to suitable species that produce berry bearing fruit, and attract a range of insects, to encourage bird and bat foraging.

Thereafter the landscaping scheme shall be carried out as approved.

Reason - To ensure the development integrates successfully with the landscape character of the area in the interests of visual amenity and takes the opportunities available to enhance biodiversity across the site.

11. If, within a period of five years from the date of planting any tree, shrub or hedgerow (planted as part of the landscaping scheme approved under condition 10 or the SSSI Landscape Restoration Area proposals approved under condition 3) that specimen, or any specimen planted in replacement for it, is removed, uprooted, destroyed or dies or in the opinion of the Local Planning Authority becomes seriously damaged or defective, another specimen of the same species and size as that originally planted shall be planted in the same location, unless the Local Planning Authority approves any variation.

Reason - To ensure the landscaping scheme becomes established in the interests of visual amenity and the character of the area.

12. No vegetation removal shall take place within the main bird nesting season (April to September inclusive) until a pre-commencement check is carried out by a qualified ecologist no earlier than 48 hours prior to the commencement of works, and the qualified ecologist confirms to the Local Planning Authority in writing, no later than 48 hours after the check has taken place, that no actively nesting birds will be affected.

Reason - To avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

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

- i) A pre-commencement check by a qualified ecologist for common lizard, common toad and hedgehog within suitable habitats on site.
- ii) All trenches and excavations shall have a means of escape (such as a ramp)
- iii) Any exposed open pipe systems should be capped to prevent mammals gaining access, and
- iv) Raised storage of materials on pallets and in such a manner that mammals are not able to use them for shelter.

Reason - To avoid adverse impacts on protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

14. No external lighting shall be installed until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a suitably scaled plan and lighting schedule and shall demonstrate:

- i) The location, type and luminance of each light fitting to be installed, and
- ii) How the scheme has been designed to take account of Bat Conservation Trust guidelines at www.bats.org to prevent excessive light spill onto areas containing bat commuting and foraging habitat.

Thereafter the external lighting scheme shall be carried out as approved.

Reason - To avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

15. Prior to first occupation of the dwelling(s) hereby approved 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 Policy WM9 of the Joint Waste Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby approved, or any detached building erected swimming or other pools, hard surfaces, raised platforms, gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission), without the express permission in writing of the Local Planning Authority.

Reason: The further extension of this (these) dwelling(s) or the erection of detached building requires further consideration to safeguard the amenities of the surrounding area.

17. Before any above ground construction work is commenced details of the proposed finished floor levels and the ridge and eaves heights of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels and the eaves and ridge heights of surrounding properties. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of development, any trees and hedgerows and the amenities of neighbouring properties having regard to Policy HS4 of the Wirral Unitary Development Plan.

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. The proposed vehicle access should be constructed in accordance with the published specification of the Local Highway Authority. The works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice will be required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details.
2. The consultation response of United Utilities to this planning application sets out important advice to the developer on matters of drainage, the provision of a water supply, and interaction with United Utilities' assets and infrastructure. The developer should familiarise themselves with this advice at the earliest opportunity to take account of any further design work and consent processes to meet the requirements of the sewerage and water undertaker. Should further copies of the advice be required, it can be obtained from planningapplications@wirral.gov.uk quoting application reference APP/19/01177.
3. Schedule 9 (Wildlife and Countryside Act, 1981 (amended)) invasive plant species rhododendron and cotoneaster have been recorded on site during survey. The location of

the plants is provided within the Preliminary Ecological Appraisal, with appropriate removal and landfill measures contained within the Biodiversity Enhancement Measures statement. These documents should be made available on-site during works to ensure appropriate removal.

Last Comments By: 01/11/2020
Expiry Date: 25/09/2019